



**Corporate and Foreign Interests Behind  
White House Push to Transfer U.S. Nuclear  
Technology to Saudi Arabia**

*Prepared for Chairman Elijah E. Cummings*

**Second Interim Staff Report  
Committee on Oversight and Reform  
U.S. House of Representatives**

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## EXECUTIVE SUMMARY

On February 19, 2019, the Committee on Oversight and Reform issued an interim staff report prepared for Chairman Elijah E. Cummings after multiple whistleblowers came forward to warn about efforts inside the White House to rush the transfer of U.S. nuclear technology to Saudi Arabia.

As explained in the first interim staff report, under Section 123 of the Atomic Energy Act, the United States may not transfer nuclear technology to a foreign country without the approval of Congress in order to ensure that the agreement meets nine nonproliferation requirements to prevent the spread of nuclear weapons. These agreements, commonly known as “123 Agreements,” are typically negotiated with career experts at the National Security Council (NSC) and the Departments of State, Defense, and Energy.

The “Gold Standard” for 123 Agreements is a commitment by the foreign country not to enrich or re-process nuclear fuel and not to engage in activities linked to the risk of nuclear proliferation. During the Obama Administration, Saudi Arabia refused to agree to the Gold Standard. During the Trump Administration, Saudi Crown Prince Mohammed bin Salman (MBS) went further, proclaiming: “Without a doubt, if Iran developed a nuclear bomb, we will follow suit as soon as possible.”

There is strong bipartisan opposition to abandoning the “Gold Standard” for Saudi Arabia in any future 123 Agreement. For example, in a letter to President Trump, Republican Senators Marco Rubio, Todd Young, Cory Gardner, Rand Paul, and Dean Heller wrote:

Given your Administration’s ongoing efforts to press the Iranian regime—in the words of Secretary of State Mike Pompeo—to “stop enrichment and never pursue plutonium reprocessing,” we have long believed that it is therefore critical and necessary for the Kingdom of Saudi Arabia to accept and uphold this “Gold Standard” for responsible nuclear behavior.

The Committee’s first interim staff report explained that whistleblowers inside the White House expressed alarm about corporate interests attempting to use their influence with the Trump Administration to bypass these concerns in order to serve their own financial interests in building nuclear reactors in Saudi Arabia. The Committee received documents bolstering the whistleblowers’ accounts and showing frequent communications between these corporate interests and Trump Administration officials.

This report—the Committee’s second interim staff report on this issue—is based on more than 60,000 pages of new documents obtained by the Committee since it issued its first interim staff report in February. These documents have been produced in response to requests that Chairman Cummings made to a host of outside companies about their involvement with these efforts.

**Overall, the new documents obtained by the Committee reveal that, with regard to Saudi Arabia, the Trump Administration has virtually obliterated the lines normally separating government policymaking from corporate and foreign interests. The documents show the Administration’s willingness to let private parties with close ties to the President wield outsized influence over U.S. policy towards Saudi Arabia. These new documents raise serious questions about whether the White House is willing to place the potential profits of the President’s friends above the national security of the American people and the universal objective of preventing the spread of nuclear weapons.**

New documents obtained by the Committee reveal that contacts between private commercial interests and high-level Trump Administration officials were more frequent, wide-ranging, and influential than previously known—and continue to the present day.

IP3 International—a private company that assembled a consortium of U.S. companies seeking to build nuclear plants in Saudi Arabia—repeatedly pressed the Trump Administration not to require Saudi Arabia to commit to the “Gold Standard” in any future 123 Agreement, complaining that it would lock them out of lucrative nuclear contracts with the Saudis. In emails to other industry officials, IP3 called the Gold Standard an “obstacle” to be overcome. Industry executives reported that IP3 complained that the Gold Standard was a “total roadblock” that “killed our leverage.”

The new documents show that IP3 officials have had unprecedented access to the highest levels of the Trump Administration, including meeting directly with President Trump, Jared Kushner, Gary Cohn, KT McFarland, and Cabinet Secretaries Rick Perry, Steven Mnuchin, Mike Pompeo, Rex Tillerson, James Mattis, and Wilbur Ross. IP3 described the Trump Administration as “an extended team member.”

One of the key individuals leveraging his close ties to President Trump and the Administration to promote his own interests has been the President’s longtime personal friend, campaign donor, and inaugural chairman, Thomas J. Barrack, Jr., who began communicating with IP3 just days before the inauguration in January 2017.

New documents show that Mr. Barrack negotiated directly with President Trump and other White House officials to seek powerful positions within the Administration—including Special Envoy to the Middle East and Ambassador to the United Arab Emirates—at the same time he was (1) promoting the interests of U.S. corporations seeking to profit from the transfer of nuclear technology to Saudi Arabia; (2) advocating on behalf of foreign interests seeking to obtain this U.S. nuclear technology; and (3) taking steps for his own company, Colony NorthStar, to profit from the same proposals he was advancing with the Administration.

A key component of Mr. Barrack’s plan, which he called the Middle East Marshall Plan, was to purchase Westinghouse Electric Company—the only U.S. manufacturer of large-scale nuclear reactors—using significant Saudi and Emirati capital, but with enough U.S. ownership to bypass scrutiny from the Committee on Foreign Investment in the United States (CFIUS).

The new documents obtained by the Committee show that the unique access that Mr. Barrack and IP3 officials enjoyed with the Trump Administration yielded promises from high-level government officials to support IP3's efforts with Saudi officials. After meeting personally with President Trump in February of this year, IP3's Chief Executive Officer explained to other industry executives, "This needs to be a Military like campaign and that's what we intend to build."

Yet, officials from other companies in the nuclear industry had serious concerns about IP3 and its financial motive in pressing for the transfer of U.S. nuclear technology to Saudi Arabia, calling it a "boondoggle," warning that "IP3 has a questionable reputation," and observing, "This whole IP3 effort is still a bit strange and mysterious." One industry executive called IP3 the "Theranos of the nuclear industry."

The Trump Administration's efforts towards transferring nuclear technology to Saudi Arabia continue despite growing concerns over anti-democratic and aggressive actions taken by the Saudi regime. For example, during an interview on June 21, 2019, President Trump stated that he would not follow the United Nations' request to have the FBI investigate the Saudi murder of Jamal Khashoggi. In the same interview, he also stated, "Look, Saudi Arabia is buying \$400 billion worth of things for us. That's a very good thing." He added:

I'm not like a fool that says, "We don't want to do business with them." And by the way, if they don't do business with us, you know what they do? They'll do business with the Russians or with the Chinese. They will buy—We make the best equipment in the world, but they will buy great equipment from Russia and from China.

On June 28, 2019, at a press conference before a meeting with Saudi Crown Prince Mohammed bin Salman, President Trump stated: "It's an honor to be with the crown prince of Saudi Arabia, a friend of mine—a man who has really done things in the last five years in terms of opening up Saudi Arabia."

### ***Key Points***

Significantly, the new documents obtained by the Committee show:

- In 2015 to 2016, General Michael Flynn worked closely with companies seeking to profit from the transfer of U.S. nuclear technology to Saudi Arabia, including by serving as an advisor to IP3, as well as IP3's predecessor company. New documents show that in 2016, General Flynn informed his business partners about upcoming interactions with officials in Russia and the Middle East—including Russian President Vladimir Putin and then-Saudi Deputy Crown Prince MBS—and offered to use these contacts to further IP3's business interests.
- On May 26, 2016, candidate Donald Trump was scheduled to give a major energy speech. New documents show that Mr. Barrack—Donald Trump's personal friend, informal advisor, inauguration chairman, and campaign donor—shared a draft of the speech with Saudi and Emirati officials to coordinate pro-Gulf language. Mr. Barrack

sent the draft to Rashid Al-Malik, a businessman from the United Arab Emirates (UAE), who circulated the draft among Emirati and Saudi officials and then passed suggestions back to Mr. Barrack, who conveyed them to Trump campaign chairman Paul Manafort.

- IP3 officials traveled to Saudi Arabia in December 2016—after the election and before the inauguration—to solicit a \$120 million investment from then-Saudi Deputy Crown Prince MBS in exchange for a 10% stake in IP3. The documents suggest that IP3 was soliciting these funds by highlighting its close ties to General Flynn and the support of the incoming Trump Administration for IP3’s plan to transfer U.S. nuclear technology to Saudi Arabia. In direct communications with General Flynn, IP3 officials wrote that “much of our confidence derives from how emphatically positive your message expressing your—and the President Elect’s—support for the Marshall Plan, was received by the leadership of KSA [Kingdom of Saudi Arabia].”
- President Trump and Jared Kushner met with Saudi Deputy Crown Prince MBS on March 14, 2017. In the days after this meeting, IP3 officials touted that this meeting “established the framework for our unique opportunity to take the next steps with IP3 and the Kingdom of Saudi Arabia” and referenced a “partnership to acquire Westinghouse between IP3 and Saudi Arabia.” IP3 officials continued to promote their plan with high-level stakeholders—including Commerce Secretary Wilbur Ross, Defense Secretary Jim Mattis, Energy Secretary Rick Perry, CIA Director Mike Pompeo, Director of the National Economic Council Gary Cohn, and top NSC officials.
- Mr. Barrack, his company, and IP3 discussed plans to join with the Saudi Public Investment Fund (PIF) and other Middle East financial interests to bid for Westinghouse at the same time they sought and obtained support for this acquisition strategy at the highest levels of the White House.
- IP3 officials met with Senior Adviser to the President Jared Kushner and briefed him on their plan for Westinghouse to be acquired through foreign investments. Mr. Kushner expressed that he planned to convene senior-level interagency meetings to discuss IP3’s proposal and Westinghouse.
- Mr. Barrack’s company and IP3 collaborated with financial firms Apollo and Blackstone on an ultimately unsuccessful bid to purchase Westinghouse. Mr. Barrack sent Blackstone CEO and Trump campaign donor Steve Schwarzman a memorandum stating, “Our GCC allies in Saudi Arabia and the UAE have committed to invest in the Westinghouse acquisition and are willing to concurrently lock in Westinghouse as the primary partner on the 30+ reactors expected to be constructed in their countries in the coming decade.” The memorandum described this arrangement as an opportunity to acquire Westinghouse “in a whole company transaction through a US-led consortium with our allies from the GCC.”
- In 2018, after Mr. Barrack learned that his bid with Apollo and Blackstone had been unsuccessful—and Brookfield Asset Management announced that it planned to acquire Westinghouse—Mr. Barrack inquired with Brookfield’s CEO about joining his

company's venture. Mr. Barrack then introduced UAE Ambassador Yousef Al Otaiba to Brookfield's CEO, emphasizing the "great opportunity for Westinghouse and the Emirates to join forces on new initiatives."

- In early 2018, Westinghouse unilaterally terminated IP3 from a separate agreement for a consortium of companies that submitted the "Team USA" bid to Saudi Arabia for the contract to build nuclear reactors. Westinghouse reportedly expressed concerns that "IP3's actions may create a faulty assumption that IP3 is in charge." In response, IP3 joined with the Korean Electric Power Corporation (KEPCO)'s bid to build nuclear reactors in Saudi Arabia using U.S. nuclear technology.
- Throughout 2018, IP3 continued to leverage its connections with the Trump Administration, holding meetings at the White House and with other agencies. IP3 officials boasted of "unique access" to President Trump and senior White House officials, disparaged growing bipartisan congressional efforts to limit the transfer of nuclear technology to Saudi Arabia, and characterized the "Gold Standard" of prohibiting Saudi Arabia from enriching uranium for weapons as an obstacle to be "overcome."
- IP3's efforts to influence the Trump Administration and profit from transfer of U.S. nuclear technology to Saudi Arabia continue to this day. In February 2019, IP3 orchestrated a meeting with President Trump and nuclear industry executives at the White House. IP3 also planned a meeting with National Security Advisor John Bolton in March 2019, but it was cancelled because of "legal and ethical concerns." Two years earlier, NSC Legal Advisor John Eisenberg had ordered NSC employees to stop working on IP3-related matters due to conflicts of interest and potential violations of federal law.

Missing from this second interim staff report are documents from the Trump Administration itself. The White House has completely refused to cooperate with the Committee's investigation and has not produced a single document in response to the Committee's requests. Unfortunately, for the most part, the federal agencies involved have followed suit.

Although the White House has refused to produce any documents in this investigation, the Committee has obtained some communications to and from White House officials from outside sources. Based on these communications, it appears that multiple White House officials used their personal email and text accounts rather than their official government accounts. These actions not only potentially violate White House policy and the Presidential Records Act, but they raise serious questions about whether records of the Trump Administration's actions are being properly retained for use by investigators and others.

As a result of the White House's actions, it may be necessary for the Committee to seek compulsory process to obtain information from the White House, federal agencies, and individual Trump Administration officials.

**TABLE OF CONTENTS**

**EXECUTIVE SUMMARY** ..... 2

**THE COMMITTEE’S INVESTIGATION** ..... 8

**TIMELINE OF EVENTS**..... 13

**A. 2015 to 2016: Flynn Meets with Russian and Saudi Leaders** ..... 13

**B. May to June 2016: Barrack Seeks UAE, Saudi Edits to  
        Trump Energy Speech**..... 14

**C. Transition Period: IP3 Seeks \$120 Million Investment from Saudis**..... 17

**D. January to May 2017: Barrack Presses Corporate and Foreign Interests  
        While Seeking Position in Administration**..... 20

**E. March to April 2017: Trump Meets with MBS as IP3 Pitches  
        Saudi-Funded Westinghouse Acquisition**..... 27

**F. Spring to Summer 2017: IP3 Pushes White House to Abandon  
        “Gold Standard”** ..... 29

**G. August 2017: IP3 Meets with Kushner on Westinghouse Proposal  
        with Saudi Funding**..... 33

**H. September to October 2017: Barrack and IP3 Make Failed Bid for  
        Westinghouse**..... 35

**I. Early 2018: After Losing Westinghouse Bid, Barrack Approaches Winner  
        About Joining** ..... 38

**J. 2018: IP3 is Fired from Team USA, Joins Korean Bid, Has More Meetings  
        at White House, Continues Opposing “Gold Standard”** ..... 40

**K. 2019: IP3 Holds Meeting with President Trump, Vows to Launch  
        “Military Like Campaign”** ..... 45

**L. Industry Concerns About IP3**..... 48

## THE COMMITTEE'S INVESTIGATION

Since 2017, Rep. Elijah E. Cummings—who served as Ranking Member of the Committee—has been seeking information about the Trump Administration's efforts to transfer U.S. nuclear technology to Saudi Arabia, the actions of former National Security Advisor Michael Flynn in these efforts, and the role of IP3 International, a private company that assembled a consortium of U.S. companies seeking to build nuclear plants in Saudi Arabia under this plan.

On June 19, 2017, then-Ranking Member Cummings and then-Ranking Member Eliot E. Engel of the Committee on Foreign Affairs wrote to three companies—Flynn Intel Group, IP3, and ACU Strategic Partners—to request information about the “influence General Flynn’s business interests with Saudi Arabia, Russia, or other countries may have had after he assumed his post in the White House.”<sup>1</sup> The three companies refused to produce the documents.

On September 13, 2017, Ranking Member Cummings and Ranking Member Engel wrote again to the companies raising additional questions about whether General Flynn used his position as National Security Advisor to continue working on this plan from inside the White House without disclosing his previous trips, foreign contacts, or conflicts of interest. Ranking Members Cummings and Engel requested information about foreign travel General Flynn undertook and foreign officials with whom he may have communicated. They also requested that officials from the three companies appear for transcribed interviews.<sup>2</sup> The three companies refused to produce documents or appear for transcribed interviews.

On November 28, 2017, Ranking Members Cummings and Engel wrote to IP3 co-founder Bud McFarlane and Colony NorthStar Chairman Thomas J. Barrack, Jr., to request documents and transcribed interviews relating to their discussions with White House officials about efforts to transfer nuclear technology to the Middle East.<sup>3</sup> Both Mr. McFarlane and Mr. Barrack refused to appear for interviews or produce documents.

On December 6, 2017, Ranking Member Cummings wrote to Rep. Trey Gowdy, who then served as Chairman of the Committee, with information from a whistleblower relating to a former business partner of General Flynn boasting on Inauguration Day that the plan to transfer

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<sup>1</sup> Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, and Ranking Member Eliot E. Engel, Committee on Foreign Affairs, to Flynn Intel Group et al. (June 19, 2017) (<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/EEC%20Engel%20to%20Flynn%20Intel%20Group%20et%20al.pdf>).

<sup>2</sup> Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, and Ranking Member Eliot E. Engel, Committee on Foreign Affairs, to Flynn Intel Group et al. (Sept. 13, 2017) (online at <https://oversight.house.gov/news/press-releases/new-documents-from-flynn-s-business-colleagues-confirm-middle-east-trip-and>).

<sup>3</sup> Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, and Ranking Member Eliot E. Engel, Committee on Foreign Affairs, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, and Bud McFarlane, Co-Founder, IP3 (Nov. 28, 2017) (online at <https://oversight.house.gov/news/press-releases/cummings-and-engel-send-new-letters-after-wsj-reports-that-michael-flynn>).



U.S. nuclear technology to the Middle East was “good to go.” Ranking Member Cummings requested depositions of key individuals involved with the plan, including General Flynn, former Deputy National Security Advisor KT McFarland, Mr. Barrack, and Mr. McFarlane.<sup>4</sup> Chairman Gowdy refused.<sup>5</sup>

After the election in November 2018, Rep. Cummings was selected as Chairman of the Committee and put the authority of the Committee behind the investigation.

On February 19, 2019, Chairman Cummings issued the Committee’s first interim staff report on this issue entitled, “Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia.” The staff report detailed disclosures from multiple whistleblowers who came forward to raise concerns about efforts inside the White House to rush a plan to transfer nuclear technology to Saudi Arabia. The staff report quoted from multiple internal White House documents relating to this effort.<sup>6</sup>

That same day, the Committee sent requests for documents and interviews to the White House; the Departments of Commerce, Defense, Energy, State, and Treasury; the Joint Chiefs of Staff; the Central Intelligence Agency; IP3; ACU Strategies; Colony NorthStar; and Mr. Barrack.

On March 7, 2019, IP3 Chief Executive Officer Michael Hewitt and General Counsel Alan Dunn met with bipartisan Committee staff. Admiral Hewitt and Mr. Dunn expressed that IP3 had limited financial resources and did not have the capacity to produce responsive documents from IP3 officials’ private or personal email accounts, documents, or data.

In response to this assertion, on March 19, 2019, the Committee sent letters to six individual IP3 officials, as well as former Deputy National Security Advisor KT McFarland, requesting documents in their personal possession relating to the plan to transfer U.S. nuclear technology to Saudi Arabia, as well as transcribed interviews.<sup>7</sup> To date, all of the IP3 officials have declined to respond in their personal capacities, and Ms. McFarland has not responded to the Committee’s letter.

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<sup>4</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Dec. 6, 2017) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-12-06.EEC%20to%20Gowdy.pdf>).

<sup>5</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Dec. 7, 2017) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-12-06.%20EEC%20Response%20to%20Gowdy.pdf>).

<sup>6</sup> Committee on Oversight and Reform, *Interim Staff Report: Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (Feb. 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%2019-2019.pdf>).

<sup>7</sup> See, e.g., Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Michael Hewitt, Chief Executive Officer, IP3 (Mar. 19, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-19.EEC%20to%20Hewitt-IP3.pdf>).

On April 18, 2019, the Committee sent letters to 16 additional companies that were, or are currently, associated with IP3's plan to transfer U.S. nuclear technology to Saudi Arabia. The Committee requested documents in the companies' possession relating to the plan to transfer U.S. nuclear technology to Saudi Arabia.<sup>8</sup>

To date, most of the private companies have cooperated with the Committee's requests. The Committee has obtained more than 60,000 pages of documents, including documents reflecting contacts among IP3, Mr. Barrack, and senior White House officials. Many of those documents form the basis for this staff report.

The exception is IP3, which dismissed its outside counsel, produced only a limited number of highly redacted documents, and failed to produce thousands of other documents responsive to the Committee's request that other companies produced.

The White House has not produced a single piece of paper to the Committee, and other agencies have stonewalled the Committee's requests:

- **The White House:** The White House has refused to produce a single document in response to the Committee's February 19, 2019, request. On April 30, 2019, White House Counsel Pat Cipollone sent a letter to the Committee, writing, "To the extent that Congress has a role in overseeing decisions with respect to the transfer of nuclear energy technology, that role is not to scrutinize the Executive's communications with foreign leaders or internal White House communications about U.S. nuclear energy policy while the negotiation process remains ongoing." He added that the Committee had no authority to obtain communications between White House officials and private corporations and other outside entities, writing: "the fact that communications involve individuals outside the Executive Branch does not undermine the President's confidentiality interests."<sup>9</sup>
- **Department of Defense:** The Department of Defense (DOD) has not produced a single document in response to the Committee's February 19, 2019, request. DOD has a statutory role in approving the transfer of nuclear technology to Saudi Arabia, and the Committee obtained documents from other sources showing that officials at the highest level of DOD were involved with IP3's plans. On May 13, 2019, DOD sent a letter to the Committee confirming that it has identified hundreds of responsive documents, but it has not provided any estimate of when it will produce them. DOD asserted that the Department of Energy (DOE) has "primary release authority" over a number of the documents and that DOD "will defer to DOE with respect to the

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<sup>8</sup> See, e.g., Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Jose Gutierrez, Chief Executive Officer, Westinghouse Electric Company (Apr. 18, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-04-18.EEC%20to%20Gutierrez-Westinghouse%20Electric.pdf>).

<sup>9</sup> Letter from Pat A. Cipollone, Counsel to the President, The White House, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Apr. 30, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/WH.043019.Response%20to%20EEC%20re%20IP3.pdf>).

provision of these documents to the Committee.”<sup>10</sup> DOD also conceded on a telephone conference with Committee staff that it completed a search for responsive documents in only one office of the Department.

- **Department of Commerce:** The Department of Commerce (DOC) has a statutory role in approving the transfer of nuclear technology to Saudi Arabia and is one of the main points of contact for U.S. nuclear companies seeking to do business in Saudi Arabia. To date, DOC has produced only 275 unique, responsive pages. Despite this deficient production, DOC sent a letter to the Committee on July 12, 2019, claiming that it “is committed to cooperating with congressional requests for information quickly and to the fullest extent possible.”<sup>11</sup>
- **Department of Energy:** DOE is the primary agency responsible for approving and overseeing the transfer of nuclear technology to Saudi Arabia. Despite its critical role in the process, DOE has produced only 547 pages to date, 167 pages of which are duplicates. The Committee has obtained documents from other sources showing extensive contacts between DOE and other parties involved, but DOE has not included most of these in its productions to date. While DOE confirmed on phone calls that it has thousands of pages of potentially responsive documents that need to be reviewed, it sent a letter to the Committee on April 19, 2019, claiming that it “is currently working to address the other items in your request and prepare a response as expeditiously as possible.”<sup>12</sup> DOE refused to provide any estimate of when it will make additional productions.
- **Department of State:** The State Department has a statutory role in approving the transfer of nuclear technology to Saudi Arabia and traditionally takes a primary role in negotiating agreements between the United States and foreign governments for sharing of American nuclear technology (123 Agreements). To date, the State Department has produced 506 pages and provided the Committee with a briefing on the general policy framework for transfers of American nuclear technology. The State Department made its only document productions in June 2019—four months after the Committee’s document request—but did not provide an explanation for its delay.

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<sup>10</sup> Letter from Robert Hood, Assistant Secretary of Defense, Department of Defense, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (May 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019.05.13%20-%20DOD%20to%20EEC.pdf>).

<sup>11</sup> Letter from Ross Branson, Deputy Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (July 12, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/DOC.071219.Response%20to%20EEC%20re%20IP3.pdf>).

<sup>12</sup> Letter from Rayburn Hanzlik, Senior Advisor and Director, Oversight Task Force, Department of Energy, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Apr. 19, 2019) (online at [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OR\\_04.19.19.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OR_04.19.19.pdf)).

- **Department of the Treasury:** Since February 19, 2019, the Department of the Treasury has produced only a single, publicly available four-page document. When Committee staff inquired about the origin of this document, the Department confirmed only that Secretary Steven Mnuchin received the document personally from Mr. Barrack. The Department refused to disclose the mode of delivery, the date on which it was provided to Secretary Mnuchin, or any other substantive information about the origin or custody of the document. On June 18, 2019, the Treasury Department sent a letter to the Committee claiming that, “due to our minimal involvement in this matter, we respectfully request that you seek any further information from the Executive agencies with primary responsibility for the matters related to your inquiry.”<sup>13</sup> The Department confirmed that it identified additional responsive documents with other agency equities, but refused to identify those other agencies or the number of documents it identified.

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<sup>13</sup> Letter from Frederick Vaughn, Deputy Assistant Secretary, Department of the Treasury, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (June 18, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Treasury.061819.Response%20to%20EEC%20re%20IP3.pdf>).

## TIMELINE OF EVENTS

**A. 2015 to 2016: General Michael Flynn worked closely with companies seeking to profit from the transfer of U.S. nuclear technology to Saudi Arabia, including by serving as an advisor to IP3 International, a private company that assembled a consortium of companies seeking to build nuclear plants in Saudi Arabia, and IP3’s predecessor company. New documents obtained by the Committee show that General Flynn informed his business partners about upcoming interactions with officials in Russia and the Middle East—including Russian President Vladimir Putin and Saudi Deputy Crown Prince Mohammed bin Salman (MBS)—and offered to use these contacts to further IP3’s business interests.**

- From 2015 to May 2016, General Flynn served as an advisor to IP3’s predecessor company, ACU Strategic Partners. As discussed in the Committee’s first interim staff report, from June 2016 to December 2016, General Flynn served as an advisor to IP3.<sup>14</sup>
- In June 2015, General Flynn and IP3 co-founder Admiral Michael Hewitt traveled to the Middle East to brief Egyptian, Jordanian, and Israeli officials about a plan to build 40 nuclear reactors in the Middle East.<sup>15</sup> This trip was not reported on General Flynn’s January 2016 security clearance renewal application.
- On November 28, 2015—when General Flynn was preparing to attend the now infamous gala dinner with Russian President Vladimir Putin sponsored by the Russian state propaganda arm, RT—he sent an email to officials at IP3’s predecessor company (ACU Strategic Partners, of which Admiral Hewitt was the Chief Executive Officer), writing that he would be willing to “relay any messages to specific people” relating to the plan to transfer nuclear technology to the Middle East. He added that he was planning on an “office call with RU AMBO [Russian Ambassador] before we depart.”<sup>16</sup> After returning home from the trip, on December 16, 2015, General Flynn sent an email to Admiral Hewitt, writing, “I had an interesting trip to Moscow (I did meet with Putin).”<sup>17</sup>
- On December 8, 2015, Alan Dunn, IP3’s current General Counsel, emailed Alex Copson, the founder of IP3’s predecessor company, ACU Strategic Partners, about a meeting he

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<sup>14</sup> Committee on Oversight and Reform, *Interim Staff Report: Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (Feb. 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202019-2019.pdf>).

<sup>15</sup> Email from Alex Copson, Managing Partner, ACU Strategic Partners, to Alia Bouran, Jordanian Ambassador to the United States (June 18, 2015).

<sup>16</sup> Email from Michael T. Flynn, Chief Executive Officer, Flynn Intel Group, to Ray Palumbo, Senior Partner, Venturi Solutions (Nov. 28, 2015).

<sup>17</sup> Email from Michael T. Flynn, Chief Executive Officer, Flynn Intel Group, to Michael Hewitt, Chief Executive Officer, X-Co Dynamics (Dec. 16, 2015).

had with the Saudi Ambassador to the United States, Prince Abdullah bin Faisal bin Turki bin Abdullah al Saud. Mr. Dunn wrote, “When we described how the architecture of the project is intended to align Saudi, US and Russian interests on many important issues for the 80 year life of the project, Amb. Abdullah showed keen interest.” Mr. Copson forwarded the email to other ACU officials and advisors, including General Flynn.<sup>18</sup>

- On May 10, 2016, after deciding to split from Mr. Copson and ACU Strategic Partners, Admiral Hewitt emailed General Flynn to discuss General Flynn’s involvement with the successor company, IP3. Admiral Hewitt described how the new company would solicit funds directly from Saudi Arabia: “Similar strategy, Better corporate structure. We are going to raise capital from inside US, China and KSA [Kingdom of Saudi Arabia].”<sup>19</sup>
- On June 1, 2016, General Flynn emailed Admiral Hewitt, “Are you aware, Deputy Crown Prince MBS will be in the states 12-25 June. I’m trying to find time on his schedule toward the end of his visit.” He added, “Maybe we get a call in today.” General Flynn was communicating with Admiral Hewitt about MBS at the same time he was serving as Donald Trump’s national security advisor during the presidential campaign. Admiral Hewitt responded, “Aware of MBS visit. Getting support from the hill to get on his calendar.”<sup>20</sup>

**B. May to June 2016: Candidate Donald Trump was scheduled to give a major energy speech on May 26, 2016. New documents obtained by the Committee show that Thomas J. Barrack, Jr.—Donald Trump’s informal advisor, inauguration chairman, and campaign donor who called Mr. Trump “one of my closest friends for 40 years”—shared a draft of the speech with Saudi and Emirati officials to coordinate pro-Gulf language. Mr. Barrack sent the draft to Rashid Al-Malik, a businessman from the United Arab Emirates (UAE), who circulated the draft among Emirati and Saudi officials and then passed suggestions back to Mr. Barrack, who conveyed them to Trump campaign chairman Paul Manafort.**

- On May 12, 2016, Mr. Barrack emailed Mr. Al-Malik an energy speech that he drafted for then-candidate Donald Trump, which included pro-Gulf messaging about America’s relationship with the Middle East. In a text message, Mr. Barrack requested that Mr. Al-Malik and “Saeed” review the speech. The documents do not indicate who Mr. Barrack was referring to as “Saeed.”

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<sup>18</sup> Email from Alan Dunn, Advisor, to Alex Copson, President, ACU Strategic Partners (Dec. 8, 2015).

<sup>19</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Michael T. Flynn, Chief Executive Officer, Flynn Intel Group (May 10, 2016).

<sup>20</sup> Email Exchange Between Michael Hewitt, Chief Executive Officer, IP3, and Michael T. Flynn, Chief Executive Officer, Flynn Intel Group (June 1, 2016).

- [REDACTED] - May 12, 2016 at 11:43 AM - (iMessage)

What do u think of his energy message given to American executives with a pro Middle East point of view -- for u and Saeed to rebiew for me quickly. I need a few pro Middle East aspects

- [REDACTED] - May 12, 2016 at 12:11 PM - (iMessage)

It is my own first draft

- An hour later, Mr. Al-Malik texted Mr. Barrack with “pro Middle East” language that Mr. Barrack requested, stating: “This is what I got from them.”

Received - [REDACTED] - May 12, 2016 at 1:26 PM - (iMessage)

This is what I got from them

Received - [REDACTED] - May 12, 2016 at 1:26 PM - (iMessage)

One need only look at the work that Saudi Arabian Crown Prince Mohammed bin Salman is doing with his Vision 2030 plan, Or the crown prince of Abudhabi Sheikh Mohammed bin Zayed plans to further diversify his countries economy, and at the same time both countries have managed to deliver a major blow to our greatest enemy AQAP in Yemen . We can and should support reform in the Middle East, in the process thereby reducing the appeal of Islamic terrorism, and support our allies who are fighting our enemies.

Received - [REDACTED] - May 12, 2016 at 1:27 PM - (iMessage)

Will be positive for him to show his pressure on Muslims allies to do more and they did in all fronts fighting terrorism and building their nations

- According to a June 10, 2019, press report, Mr. Al-Malik is “a businessman from the United Arab Emirates” who has “reported to UAE intelligence about aspects of the Trump administration’s Middle East policy.” The article stated:

A former Dubai aerospace executive and chair of the investment firm Hayah Holdings, al-Malik was tasked to report to his Emirati intelligence handlers on topics of consequence to the UAE, such as attitudes within the Trump administration toward the Muslim Brotherhood; U.S. efforts to mediate the ongoing feud between Saudi Arabia, the UAE, and Qatar; and meetings between senior U.S. officials and Saudi Crown Prince Mohammed bin Salman, whose rise

to power has been loudly championed by the UAE and its crown prince, Mohammed bin Zayed.<sup>21</sup>

- The next day, on May 13, 2016, Mr. Barrack sent then-Trump campaign chairman Paul Manafort a draft of the energy speech with Mr. Al-Malik’s language incorporated. In the body of the email, Mr. Barrack wrote: “This is probably as close as I can get without crossing a lot of lines. Give me a call.”
- The draft speech attached to Mr. Barrack’s email contained the following text:

[W]e should partner with our Gulf Allies to draft a comprehensive economic and security strategy as well as materially assist in their diversification efforts, such as those of Saudi Arabian Deputy Crown Prince Mohammed bin Salman outlined in his Vision 2030 plan or Sheikh Mohammed bin Zayed through his commendable reforms in the UAE.<sup>22</sup>

- On May 14, 2016, Mr. Al-Malik forwarded Mr. Barrack a revised draft of the speech with comments from an Emirati official, Khalifa al Ghafli. In the body of the email, Mr. al Ghafli wrote: “This is what we agreed on with our neighbors.”<sup>23</sup>
- On May 26, 2016—on the day of the President’s speech—Mr. Manafort sent an email to Mr. Barrack with the final draft of the speech. Although the draft did not include explicit references to MBS or MBZ, it did include pro-Gulf messaging. Mr. Manafort wrote to Mr. Barrack: “This is the most likely final version of the speech. It has the language you want.”<sup>24</sup>
- The text Mr. Manafort sent to Mr. Barrack read:

We will become, and stay, totally independent of any need to import energy from the OPEC cartel or any nations hostile to our interests. At the same time, we will work with our Gulf allies to develop a positive energy relationship as part of our anti-terrorism strategy.<sup>25</sup>

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<sup>21</sup> *UAE Enlisted Businessman to Spy on Trump White House*, The Intercept (June 10, 2019) (online at <https://theintercept.com/2019/06/10/trump-uae-businessman-spy/>).

<sup>22</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Paul Manafort, Campaign Chairman and Chief Strategist, Donald J. Trump for President (May 13, 2016).

<sup>23</sup> Email from Rashid Al-Malik, Chairman, Hayah Holdings, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (May 14, 2016).

<sup>24</sup> Email from Paul Manafort, Campaign Chairman and Chief Strategist, Donald J. Trump for President, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (May 26, 2016).

<sup>25</sup> *Id.*



- Then-candidate Trump read this text during his energy speech on May 26, 2016, at the Williston Basin Petroleum Conference in Bismarck, North Dakota.<sup>26</sup> The documents produced to the Committee to date do not indicate whether Mr. Trump was aware that drafts of his speech were circulated to foreign officials in the Middle East or that feedback had been provided through Mr. Barrack and Mr. Manafort.
- Neither Mr. Barrack nor Mr. Al-Malik appear as registrants in the Department of Justice’s Foreign Agents Registration Act (FARA) database.

**C. Transition Period: New documents obtained by the Committee indicate that IP3 officials traveled to Saudi Arabia in December 2016—after the election and before the inauguration—to solicit a \$120 million investment from then-Saudi Deputy Crown Prince MBS in exchange for a 10% stake in IP3. The documents suggest that IP3 was soliciting these funds by highlighting its close ties to General Flynn and the support of the incoming Trump Administration for IP3’s plan to transfer U.S. nuclear technology to Saudi Arabia. In direct communications with General Flynn, IP3 officials wrote that “much of our confidence derives from how emphatically positive your message expressing your—and the President Elect’s—support for the Marshall Plan, was received by the leadership of KSA [Kingdom of Saudi Arabia].”**

- On November 20, 2016, Admiral Hewitt sent an email to a nuclear company executive, writing, “While we are careful not to get ahead of the new Administration our program has been seeded in their policy agenda. You will soon hear it echoed in talking points. Additionally, we have been formally invited to KSA to meet with key officials (close hold).”<sup>27</sup>
- On November 20, 2016, Lisa Marie Cheney—a long-time Washington consultant who owns a stake in IP3—sent an email to General Flynn, writing, “Per feedback from Bud McFarlane, I am sending you the updated briefing.” She added: “Bud said he discussed the project with you, and let you know Mike Hewitt, Jack Keane, Keith Alexander and Bud would be traveling to KSA in December to meet with Deputy Crown Prince MBS.” Ms. Cheney offered to General Flynn that she was “willing to help with your landing team—specifically would be interested in helping on the Middle East issues, and the idea of a Middle East Marshall Plan. I have been deeply versed in these issues for many of the last 10 years. And, have been directly working on the Marshall Plan idea for the last 18 months.” She attached a slide deck from IP3 and offered to set up a “detailed

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<sup>26</sup> *Donald J. Trump Formal Address on Energy, Democracy in Action* (May 26, 2016) (online at [www.p2016.org/trump/trump052616sp.html](http://www.p2016.org/trump/trump052616sp.html)).

<sup>27</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 1 (Nov. 20, 2016).

briefing” for General Flynn with IP3 officials Admiral Hewitt, Mr. McFarlane, General Keane, and General Alexander.<sup>28</sup>

- Despite her ownership interest in IP3, Ms. Cheney went on to work on the National Security Council Transition Team for President-Elect Trump, where she was “responsible for developing the future policy strategy for the National Security Council.”<sup>29</sup> Ms. Cheney also apparently attended a December 8, 2016, meeting at which IP3 met with representatives from nuclear industry companies “to get the support of the companies involved and be able to express that support in the trip several of us will make to KSA to meet with the Crown Prince and the Deputy Crown Prince and several other key officials from 19 to 24 December.”<sup>30</sup>
- From December 19 to 24, 2016, IP3 officials traveled to Saudi Arabia to meet with high-level Saudi officials.
- A December 2016 PowerPoint presentation, purportedly prepared for then-Saudi Deputy Crown Prince MBS, requested that Saudi Arabia “Fund the \$120 Million design phase.” The PowerPoint also stated: “Includes 10% equity in IP3.”<sup>31</sup>



<sup>28</sup> Email from Lisa Marie Cheney, IP3, to Michael T. Flynn, Chief Executive Officer, Flynn Intel Group (Nov. 20, 2016).

<sup>29</sup> Department of Energy, Office of Nuclear Energy, Nuclear Energy Advisory Committee (online at [www.energy.gov/ne/contributors/lisa-marie-cheney](http://www.energy.gov/ne/contributors/lisa-marie-cheney)).

<sup>30</sup> Email from Keith Alexander, Co-Founder, IP3, to Industry Executives (Dec. 8, 2016).

<sup>31</sup> IronBridge, *IronBridge Program: Presentation to His Royal Highness Mohammed bin Salman Al Saud* (Dec. 2016).

## Requested Next Steps



- Fund the \$120 Million design phase
  - Includes 10% equity in IP3
- Appoint a top level leader to the IronBridge Program
- Attend first BoD meeting in Washington, DC in February

21

IP3

- On December 26, 2016, Admiral Hewitt emailed a business colleague that “we had a successful trip to KSA and are expected to return in early January.” He added, “We have the Trump administration in full support of our plan.”<sup>32</sup>
- On December 30, 2016, General Alexander, one of IP3’s co-founders, sent an email to nuclear industry officials stating that the December 2016 trip to meet with high-level officials in Saudi Arabia had been “very good for IP3.” He wrote that “our key buyer is MBS.” He added, “Our plan includes an initial ask of \$120 million from KSA.” He also wrote, “We conveyed strong, unequivocal support for this program from the Trump Administration, which was very well received from all key officials.”<sup>33</sup>
- On January 2, 2017, Mr. McFarlane sent an email to General Flynn, writing: “As may be evident Mike, we are terribly excited and enthusiastic toward this historic opportunity. I should note in particular that much of our confidence derives from how emphatically positive your message expressing your—and the President Elect’s—support for the Marshall Plan, was received by the leadership of KSA. It had a palpable impact on the tone and substance of all of our meetings.”<sup>34</sup>
- General Flynn responded later that day, writing, “Bud, let me and [incoming Deputy National Security Advisor] KT [McFarland] figure out a time to get together to discuss

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<sup>32</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 8, et al. (Dec. 26, 2016).

<sup>33</sup> Email from Keith Alexander, Co-Founder, IP3, to Industry Officials (Dec. 30, 2016).

<sup>34</sup> Email from Bud McFarlane, Director and Co-Founder, IP3, to Michael T. Flynn, President-Elect Transition Team (Jan. 2, 2017).

all below. This sounds very exciting and we need to take advantage of the momentum that comes with this initiative.”<sup>35</sup>

- On January 3, 2017, Mr. McFarlane sent an email to General Flynn, writing, “All of us here at IP3/IronBridge deeply appreciate your support and are committed to assuring that you’re never disappointed.”<sup>36</sup>

**D. January to May 2017: New documents obtained by the Committee indicate that Mr. Barrack was negotiating directly with President Trump and other White House officials to seek powerful positions within the Trump Administration—including Special Envoy to the Middle East and Ambassador to the UAE—at the same time he was (1) promoting the interests of U.S. corporations seeking to profit from the transfer of nuclear technology to Saudi Arabia; (2) advocating on behalf of foreign interests seeking to obtain this U.S. nuclear technology; and (3) taking steps for his own company, Colony NorthStar, to profit from the same proposals he was advancing. The new documents indicate that a key component of Mr. Barrack’s plan was the purchase of Westinghouse Electric Company—the only U.S. manufacturer of large-scale nuclear reactors—using significant Saudi and Emirati capital, but with enough U.S. ownership to bypass scrutiny from the Committee on Foreign Investment in the United States (CFIUS).**

- On January 16, 2017, KT McFarland wrote an email, copying General Flynn, introducing Mr. Barrack to IP3 co-founder Bud McFarlane, whom she described as “my long time mentor and friend.” She wrote that they were trying to get Mr. Barrack “involved in some capacity to advance this program for the Trump Administration.”<sup>37</sup>
- Mr. Barrack responded, “Bud, I have been a long time fan of yours and I am honored to meet you even if electronically.”<sup>38</sup>
- On January 25, 2017, Mr. McFarlane sent an email to Mr. Barrack, writing that he came away from a January 23, 2017, meeting between IP3 and Mr. Barrack “finding it hard to imagine a more natural fit between the public and private sectors—bringing the full political weight and business talent of our country together—to execute a business

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<sup>35</sup> Email from Michael T. Flynn, President-Elect Transition Team, to Bud McFarlane, Director and Co-Founder, IP3 (Jan. 2, 2017).

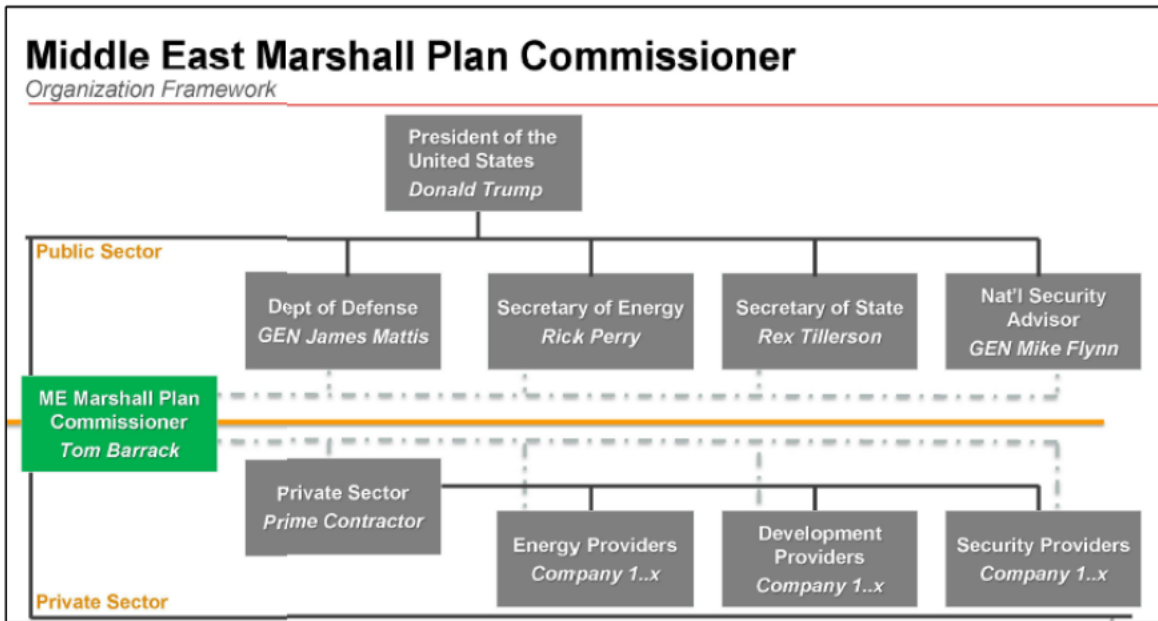
<sup>36</sup> Email from Bud McFarlane, Director and Co-Founder, IP3, to Michael T. Flynn, President-Elect Transition Team (Jan. 3, 2017).

<sup>37</sup> Email from KT McFarland, President-Elect Transition Team, to Bud McFarlane, Director and Co-Founder, IP3, Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, and Michael T. Flynn, President-Elect Transition Team (Jan. 16, 2017).

<sup>38</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to KT McFarland, President-Elect Transition Team, Bud McFarlane, Director and Co-Founder, IP3, and Michael T. Flynn, President-Elect Transition Team (Jan. 17, 2017).

strategy that will change the course of history, than for the POTUS to name you as his personal representative to oversee the execution of the Marshall Plan for the Middle East.” He added, “I cannot overstate how honored and enthusiastic I am by the prospect of working with you.”<sup>39</sup>

- On January 26, 2017, Mr. Barrack responded, “Bud I would follow you and your team almost anywhere!”<sup>40</sup>
- On the same day, January 26, 2017, Admiral Hewitt emailed talking points to Matthew Grimes, an employee with Mr. Barrack’s company, Colony NorthStar, that stated, “IP3 is being worked at the highest levels of Congress and the new administration, and is on a fast track to the POTUS, which I firmly believe he will embrace.”<sup>41</sup>
- Also on this day, January 26, 2017, Admiral Hewitt forwarded an email to Mr. Barrack entitled “Commissioner Documents,” stating that “Bud will provide them to KT [McFarland] and MF [Michael Flynn].” The draft materials included a Presidential decision memorandum, entitled, “A MARSHALL PLAN FOR THE MIDDLE EAST,” and had a signature line for “Donald J. Trump.”<sup>42</sup> They also included the following chart showing Mr. Barrack’s proposed role as “Middle East Marshall Plan Commissioner”:



<sup>39</sup> Email from Bud McFarlane, Director and Co-Founder, IP3, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (Jan. 25, 2017).

<sup>40</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Bud McFarlane, Co-Founder, IP3 (Jan. 26, 2017).

<sup>41</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Matthew Grimes, Vice President, Colony NorthStar (Jan. 26, 2017).

<sup>42</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, et al. (Jan. 26, 2017).

- As discussed in the Committee’s first interim staff report, on January 27, 2017, IP3 officials met with National Security Council (NSC) Senior Director Derek Harvey at the White House. Immediately after the meeting, Mr. Harvey instructed NSC staff to add information about IP3’s “plan for 40 nuclear power plants” to the briefing points for President Trump’s scheduled call with King Salman of Saudi Arabia. Mr. Harvey stated that General Flynn wanted President Trump to raise the “plan for 40 nuclear power plants” with King Salman and that this was the “energy plan” that had been developed and approved by General Flynn during the transition. NSC staff and senior political appointees expressed concern that Mr. Harvey’s directive could violate laws and regulations, including Section 123 of the Atomic Energy Act.<sup>43</sup>
- On January 28, 2017, Mr. McFarlane sent General Flynn and Ms. McFarland an email entitled, “Launching the Marshall Plan for the Middle East,” to which he attached (1) a draft cover memorandum written from General Flynn to President Trump, and (2) a draft memorandum “for the President to sign” directing agency heads to lend support to Mr. Barrack for the implementation of the IP3 plan. Mr. McFarlane wrote, “Our team and Tom Barrack concur with both memos.” General Flynn forwarded the email and attachment to White House staff and directed them: “Prep a staff packet to go to the POTUS.”<sup>44</sup>
- On January 29, 2017, Mr. Barrack sent an email to White House Chief Strategist and Senior Counselor to the President Steve Bannon’s personal email account with an IP3 PowerPoint presentation. Mr. Barrack wrote: “attached is a fairly elegant idea which has been in developmentfor [sic] a couple of years. Would love your thoughts If [sic] you develop your broader middle east policy.”<sup>45</sup> It is unclear whether Mr. Bannon took steps to preserve this email as required by the Presidential Records Act.
- On February 1, 2017, days after the Trump Administration’s travel ban announcement, Mr. Barrack emailed Mr. Bannon again, attaching IP3’s materials, writing, “Steve, My thoughts of an elegant thought that could be backed immediately by the Kingdom and the UAE and would balance the current noise!”<sup>46</sup>
- On February 5, 2017, Mr. McFarlane sent an email to General Flynn’s official White House email account and Ms. McFarland’s personal email account, writing, “What you may not realize is what has happened to Westinghouse (the only US-licensed company still in the industry anywhere).” He wrote, “We’re working to find a US buyer and then

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<sup>43</sup> Committee on Oversight and Reform, *Interim Staff Report: Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (Feb. 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202019-2019.pdf>).

<sup>44</sup> *Id.*

<sup>45</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Steve Bannon, Chief Strategist, The White House (Jan. 29, 2017).

<sup>46</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Steve Bannon, Chief Strategist and Senior Counselor to the President, The White House (Feb. 1, 2017).

rebuild the US industry around Westinghouse—starting with a huge order from KSA and the GCC states. But that is not an easy series of steps to orchestrate.”<sup>47</sup>

- General Flynn responded, “Bud, I agree with your sense of urgency. Let me get with KT. Owe you a note back.”<sup>48</sup>
- Ms. McFarland responded from her personal email address, writing, “Bud did you pass this to tom barrack.”<sup>49</sup> Subsequently, IP3 officials forwarded the email chain to Mr. Grimes, Mr. Barrack’s employee, writing “Per KT’s request, please pass them to Tom.”<sup>50</sup>
- On February 10, 2017, Mr. Barrack sent a text to Senior Advisor to the President Jared Kushner about setting up a meeting the following week to brief Mr. Kushner. It is unclear whether the text message was sent to Mr. Kushner’s personal or official cell phone or whether Mr. Kushner took steps to preserve this text from Mr. Barrack as required by the Presidential Records Act.

- February 10, 2017 at 12:41 PM - (iMessage)

Need 5 mins and would like to set up a briefing for u next week with he above group ! The essence is a type of The Middle East Marshall plan that includes energy as a part of A comprehensive plan and study that would be financed by the Saudi's and Emirates and create thousands of US based jobs and revitalize US foreign-policy and industrial policy in the region ! The concept has been embraced by almost every Agency and bipartisan congressional support! I think this could be a great arrow in the quiver of your Middle East arrows! Tom

- On February 14, 2017, General Flynn was fired by President Trump.
- On February 26, 2017, Admiral Hewitt sent an email to the personal account of George David Banks—a White House official who was later fired for his reported failure to obtain a security clearance—writing that IP3’s plan had been briefed “from ‘Top Down’ inside the Trump Administration” and had been “taken to Key advisors as well as Cabinet officials.”<sup>51</sup> It is unclear whether Mr. Banks preserved this email as required by the Presidential Records Act.

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<sup>47</sup> Email from Bud McFarlane, Director and Co-Founder, IP3, to Michael T. Flynn, National Security Advisor, White House, and KT McFarland, Deputy National Security Advisor, The White House (Feb. 5, 2017).

<sup>48</sup> Email from Michael T. Flynn, National Security Advisor, White House, to Bud McFarlane, Director and Co-Founder, IP3, and KT McFarland, Deputy National Security Advisor, The White House (Feb. 6, 2017).

<sup>49</sup> Email from KT McFarland, Deputy National Security Advisor, to Michael T. Flynn, National Security Advisor, The White House, Robert McFarlane, Director and Co-Founder, IP3 (Feb. 6, 2017).

<sup>50</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Matthew Grimes, Vice President, Colony NorthStar (Feb. 6, 2017).

<sup>51</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to George David Banks, Special Assistant for International Energy and Environment, National Economic Council, The White House (Feb. 26, 2017).

- On March 4, 2017, Mr. McFarlane sent an email to Mr. Harvey seeking his assistance in presenting IP3’s plan to President Trump for approval and requesting a public statement of support for the IP3 plan ahead of Saudi Deputy Crown Prince MBS’s meeting with President Trump.<sup>52</sup>
- On March 10, 2017, Mr. Barrack sent a text to Reince Priebus, who was then serving as Chief of Staff to President Trump, writing, “Revised white paper for ‘Trump Middle East Marshall Plan.’” Mr. Barrack attached a PDF document to his text message.<sup>53</sup> It is unclear whether this text message was sent to Mr. Priebus’ personal or official cell phone or whether Mr. Priebus took steps to preserve this text from Mr. Barrack as required by the Presidential Records Act.
- On March 12, 2017, Rick Gates—Donald Trump’s former deputy campaign manager who became Mr. Barrack’s employee at Colony NorthStar, pled guilty to conspiracy to defraud the United States and lying to investigators, and became a cooperating witness in Special Counsel Robert Mueller’s investigation—sent a white paper on the nuclear plan to Matthew Mowers, a Senior White House Advisor at the State Department. Mr. Gates wrote, “Please find attached the white paper I mentioned to you on our call yesterday. Please review and pass along to the Secretary in advance of our meeting/discussion on Tuesday.”<sup>54</sup>
- On the same day, March 12, 2017, Mr. McFarlane sent a letter to nuclear industry chief executives requesting investments in IP3’s plan. Mr. McFarlane wrote, “Our team has been working closely with the Trump Administration to shape a Middle East Marshall Plan as an umbrella framework.” He also stated, “As previously communicated, once the Administration is ready to execute the partnership with KSA, we will schedule a CEO meeting with Trump Administration officials. In the interim, we are continuing to meet with the State, Energy, Defense, National Security Council, Treasury, Commerce, and the Intelligence Community to ensure they are fully apprised of the details of our energy and security proposal to Saudi Arabia.”<sup>55</sup>
- On March 14, 2017, Saudi Deputy Crown Prince MBS met with Mr. Kushner and President Trump in the Oval Office.
- That same day, based on correspondence between Mr. Barrack’s company, Colony NorthStar, and Madeleine Westerhout, the President’s personal secretary, it appears that

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<sup>52</sup> Committee on Oversight and Reform, *Interim Staff Report: Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (Feb. 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202019-2019.pdf>).

<sup>53</sup> Text Message from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Reince Priebus, Chief of Staff, The White House (Mar. 10, 2017).

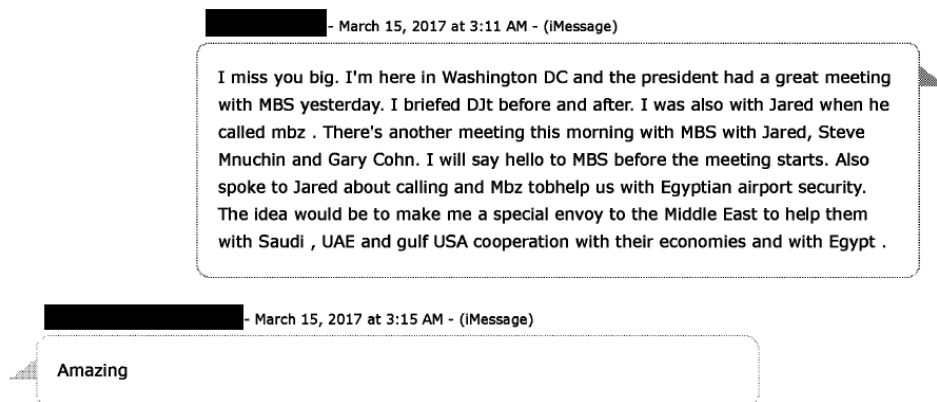
<sup>54</sup> Email from Rick Gates, Consultant, Colony NorthStar, to Matthew Mowers, Senior White House Advisor, Department of State (Mar. 12, 2017).

<sup>55</sup> Letter from IP3 to Nuclear Industry Chief Executives (Mar. 12, 2017).



Mr. Barrack, Mr. Gates, and two other Colony NorthStar employees met with President Trump. Mr. Barrack’s scheduler wrote to Ms. Westerhout that Mr. Barrack “added that it is about the ‘Trump Middle East Marshall Plan.’”<sup>56</sup> Documents show that Mr. Barrack’s employee sent security details for a group of five individuals—four Colony NorthStar employees and Mr. Barrack’s personal driver—to Ms. Westerhout for a scheduled 4:30 p.m. meeting at the White House.

- Also on March 14, 2017, one Colony NorthStar employee, Matthew Grimes, texted his colleague, Jonathan Grunzweig, “FYI—will know more about Westinghouse after morning meeting tomorrow.” Mr. Grunzweig texted Mr. Grimes, “Understood. Lmk how Jared discussion goes pls.”<sup>57</sup> Mr. Grunzweig appears to have been referring to a March 15, 2017, meeting among MBS, Mr. Kushner, Treasury Secretary Steven Mnuchin, and Director of the National Economic Council Gary Cohn.
- As the Committee noted in its February 2019 interim staff report, a readout released by the White House of President Trump’s March 14, 2017, meeting with MBS stated that “President Trump provided his support for developing a new United States-Saudi program, undertaken by joint U.S.-Saudi working groups, and its unique initiatives in energy, industry, infrastructure, and technology worth potentially more than \$200 billion in direct and indirect investments within the next four years.”<sup>58</sup>
- On March 15, 2017, Mr. Barrack sent a text to the UAE businessman, Mr. Al-Malik, about his recent discussions with high-level Trump Administration officials, including President Trump, and the Administration’s meetings with Saudi Deputy Crown Prince MBS, as well as the March 15 “Jared discussion” alluded to by Mr. Barrack’s employees at Colony NorthStar. Mr. Barrack texted Mr. Al-Malik:



<sup>56</sup> Email Exchange Between Executive Assistant, Colony NorthStar, and Madeleine Westerhout, Personal Secretary to the President, The White House (Mar. 10, 2017).

<sup>57</sup> Text Exchange Between Matthew Grimes, Vice President, and Jonathan Grunzweig, Global Head of Special Situations, Colony NorthStar (Mar. 14, 2017).

<sup>58</sup> *Readout of the President’s Meeting with Mohammed bin Salman Abdulaziz Al Saud, Deputy Crown Prince and Minister of Defense of the Kingdom of Saudi Arabia*, The White House (Mar. 15, 2017) (online at [www.whitehouse.gov/briefings-statements/readout-presidents-meeting-mohammed-bin-salman-abdulaziz-al-saud-deputy-crown-prince-minister-defense-kingdom-saudi-arabia/](http://www.whitehouse.gov/briefings-statements/readout-presidents-meeting-mohammed-bin-salman-abdulaziz-al-saud-deputy-crown-prince-minister-defense-kingdom-saudi-arabia/)).

- Later that same day, Mr. Barrack discussed how he “took care” of MBS and had to “force” the White House to “elevate” MBS “to the level of prime minister rather than deputy crown prince for protocol purposes” at his March 14, 2017, meeting at the White House.

██████████ - March 15, 2017 at 3:51 PM - (iMessage)

And me them! I took care of the NBS his meetings for the last two days and force them to elevate him to the level of prime minister rather than deputy crown prince for protocol purposes

██████████ - March 15, 2017 at 3:52 PM - (iMessage)

Very grateful for your support to us

- On the same day, Mr. Barrack texted Mr. Al-Malik with a request that UAE ruler Mohammed bin Zayed (MBZ) inform Mr. Kushner about his support for Mr. Barrack’s appointment as President Trump’s Special Envoy to the Middle East. Mr. Barrack wrote that he was “negotiating” with the Trump Administration about the position, which he described as “a special envoy on bolstering the economy of Egypt and the Gulf region.”

██████████ - March 15, 2017 at 3:25 AM - (iMessage)

Yes mbz should let Jared knows when he speaks to him that he would be happy to work with me as a special envoy on bolstering the economy of Egypt and the Gulf region

██████████ - March 15, 2017 at 3:33 AM - (iMessage)

Ok great , when do u expect the appointment?

██████████ - March 15, 2017 at 3:33 AM - (iMessage)

I am negotiating with them now, so we get it right. That is why it would be helpful to have Mbz mentioned how much he would like my help

██████████ - March 15, 2017 at 3:35 AM - (iMessage)

Ok will rely

- On the next day, March 16, 2017, Mr. Barrack sent an email to Yousef Al Otaiba, the UAE Ambassador to the United States, to thank him for a dinner Mr. Barrack attended at his home. Mr. Barrack wrote to Ambassador Al Otaiba that he had been “discussing a special envoy position with POTUS and Jared which would focus primarily on the commercial and economic aspects of the new economic development plan across the

region and particularly in Egypt. I am tempted if it were put together correctly and would love to talk to you in depth about it when you have time!”<sup>59</sup>

- On the same day, March 16, 2017, a few minutes after he emailed Ambassador Al Otaiba, Mr. Barrack sent an email to Mr. Kushner, writing, “After thinking through our discussion this week, it might be an interesting idea to have the Special Envoy position hold responsibility for implementing the economic agenda and related action items that will arise out of your Saudi-sponsored summit. We would interweave the economic pieces of the summit with the functions of the Special Envoy and use this summit as a platform to display the comprehensive Trump Marshall Plan especially for Egypt as it relates to the sponsorship of the GCC countries.”<sup>60</sup>
- On April 12, 2017, Mr. Barrack sent a text to Mr. Al-Malik about a new offer from President Trump to appoint Mr. Barrack the U.S. Ambassador to UAE, the country for which Mr. Al-Malik is reportedly an intelligence asset. Mr. Barrack stated that this offer from President Trump would serve as a precursor for Mr. Barrack to become the Special Envoy to the Middle East:

██████████ April 12, 2017 at 5:14 AM - (iMessage)

Trumpet asking me if I wanted to become the ambassador to the UAE and from that position become special envoy! What do you think

**E. March to April 2017: In the days after President Trump and Jared Kushner met with Saudi Deputy Crown Prince MBS on March 14, 2017, IP3 officials touted that the meeting “established the framework for our unique opportunity to take the next steps with IP3 and the Kingdom of Saudi Arabia” and referenced a “partnership to acquire Westinghouse between IP3 and Saudi Arabia.” IP3 officials continued to promote their plan with high-level stakeholders—including Commerce Secretary Wilbur Ross, Defense Secretary Jim Mattis, Energy Secretary Rick Perry, CIA Director Mike Pompeo, Director of the National Economic Council Gary Cohn, and top NSC officials.**

- As noted in the Committee’s February 19, 2019, interim report, IP3’s leaders, Mr. McFarlane, General Keane, Admiral Hewitt, and General Alexander, sent a letter to Saudi Deputy Crown Prince MBS on March 17, 2017, writing: “The agreements by President Trump and Mohammed bin Salman have established the framework for our unique opportunity to take the next steps with IP3 and the Kingdom of Saudi Arabia.”

<sup>59</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Yousef Al Otaiba, United Arab Emirates Ambassador to the United States (Mar. 16, 2017).

<sup>60</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Jared Kushner, Senior Adviser to the President, The White House (Mar. 16, 2017).

The letter also referenced a “partnership to acquire Westinghouse between IP3 and Saudi Arabia.”<sup>61</sup>

- On March 21, 2017, according to the whistleblower accounts in the Committee’s February 19, 2019, interim staff report, Mr. Barrack, Mr. Gates, Mr. Harvey, and other NSC staff had a conference call. A career NSC staffer who was present for the meeting informed colleagues that Mr. Harvey was trying to promote the IP3 plan “so that Jared Kushner can present it to the President for approval.”<sup>62</sup>
- On March 23, 2017, according to a calendar entry released under the Freedom of Information Act (FOIA), Secretary Rick Perry met with IronBridge, which is wholly owned by IP3. The point of contact for the meeting was Lisa Marie Cheney, the IP3 shareholder who also worked on the Transition Team. Documents provided to the Committee do not show when Ms. Cheney first acquired shares in IP3.<sup>63</sup>
- On March 25, 2017, IP3 co-founder General Keane wrote to Mr. Harvey that he “took SECDEF [Defense Secretary Jim Mattis] through the main elements of the IP3 program, the material solution for the Marshall Plan for the ME. He was conversant with it because of previous discussions with our team.” General Keane also wrote that Secretary Mattis believed “the timing is perfect as we have a major initiative taking place with KSA and believes HR should insert it into the process, now.”<sup>64</sup>
- On April 3, 2017, Admiral Hewitt sent an email to Colony NorthStar employee Matthew Grimes with a “two pager summary that has been used by many of the Cabinet Secretaries, Pompeo, others. Also attached are talking points we provided to [South Carolina] Gov. [Henry] McMaster (close friend of POTUS).”<sup>65</sup>
  - The talking points provided to the South Carolina Governor included the statement, “This plan has been shared with the President’s national security team and many of his closest advisors. Also, Rick Perry and Jim Mattis have endorsed this plan.”

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<sup>61</sup> Committee on Oversight and Reform, *Interim Staff Report: Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (Feb. 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202019-2019.pdf>).

<sup>62</sup> *Id.*

<sup>63</sup> Department of Energy, *Secretary Rick Perry’s Schedule for March 23, 2017* (Aug. 20, 2018) (online at [www.documentcloud.org/documents/4779334-Energy-Secretary-Rick-Perry-Calendars-for-March.html?embed=true&responsive=false&sidebar=false](http://www.documentcloud.org/documents/4779334-Energy-Secretary-Rick-Perry-Calendars-for-March.html?embed=true&responsive=false&sidebar=false)).

<sup>64</sup> Email from Jack Keane, Co-Founder, IP3, to Derek Harvey, Senior Director for the Middle East, National Security Council, The White House (Mar. 25, 2017).

<sup>65</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Matthew Grimes, Vice President, Colony NorthStar (Apr. 3, 2017).

- On April 21, 2017, according to an email released under FOIA, Commerce Secretary Wilbur Ross met with William A. Nitze, an advisor to IP3. In correspondence with Secretary Ross' schedulers to set up the meeting, Mr. Nitze stated, "The main subject that I would like to discuss with him is a Middle East Power Infrastructure and Security Infrastructure and Security Initiative developed by the IP3 group." He also wrote: "Secretaries Mattis and Perry have been briefed on the Initiative and have given it their full support and Tom Barrack regards it as a key part of his Marshall Plan for the Middle East." He also proposed to bring to the meeting with Secretary Ross "two key IP3 principals, Rear Admiral (ret.) Mike Hewitt and General (ret.) Jack Keane."<sup>66</sup>

**F. Spring to Summer 2017: New documents obtained by the Committee indicate that Mr. Barrack, his company, and IP3 discussed plans to join together with the Saudi Public Investment Fund (PIF) and other Middle East financial interests in bidding to purchase Westinghouse at the same time they sought and obtained support for this acquisition strategy at the highest levels of the White House. As part of their efforts to advance this plan, IP3 repeatedly pressed the Trump Administration not to require Saudi Arabia to commit to the "Gold Standard" in any future 123 Agreement, complaining that it would lock them out of lucrative nuclear contracts with the Saudis. In emails to other industry officials, IP3 called the Gold Standard an "obstacle" to be overcome. Industry executives reported that IP3 complained that the Gold Standard was a "total roadblock" that "killed our leverage."**

- On March 21, 2017, Admiral Hewitt sent an email to Mr. Barrack and Mr. Grimes, writing: "The PIF will most likely be KSA funding source of IP3 and possible Westinghouse JV."<sup>67</sup> The "PIF" appears to refer to the Saudi Public Investment Fund, which has sent billions "of the kingdom's reserves into investments abroad, almost all of it into technology."<sup>68</sup>
- On April 4 and 5, 2017, two of Mr. Barrack's Colony NorthStar employees discussed the company's plans to invest in Westinghouse "with ME partners" and "Pif." Mr. Grimes texted Justin Chang, Colony NorthStar's Global Head of Private Equity and Managing Director, an article entitled, "Trump Officials Alarmed Chinese May Bid for Westinghouse Unit." Mr. Chang wrote, "Tom has mentioned this a few times, let's get in front of it ... Club play w ME partners?" Mr. Grimes responded, apparently alluding to

<sup>66</sup> Email Exchange between William Nitze, Advisor, IP3, and Tina-Maria Henry, Director of Scheduling for the Office of the Secretary, Department of Commerce (Apr. 14, 2017) (online at [www.documentcloud.org/documents/5003490-Commerce-Department-Chief-of-Staff-Wendy.html#document/p189/a486191](http://www.documentcloud.org/documents/5003490-Commerce-Department-Chief-of-Staff-Wendy.html#document/p189/a486191)).

<sup>67</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, and Matthew Grimes, Vice President, Colony NorthStar (Mar. 21, 2017).

<sup>68</sup> *Saudis to Boost U.S. Ties with \$40 Billion Investment*, Bloomberg News (May 12, 2017) (online at [www.bloomberg.com/news/articles/2017-05-11/saudi-arabia-said-to-boost-u-s-ties-with-40-billion-investment](http://www.bloomberg.com/news/articles/2017-05-11/saudi-arabia-said-to-boost-u-s-ties-with-40-billion-investment)).

IP3, “Pif was engaged by one of the company’s [sic] run by ex defense guys—they want tom.”<sup>69</sup>

- On April 13, 2017, according to a thank-you email sent by Admiral Hewitt to Special Assistant to the President Michael Catanzaro, it appears that Gary Cohn and Mr. Catanzaro met with General Keane, Admiral Hewitt, and “Tom.”<sup>70</sup>
- The next day, General Keane emailed Mr. Barrack, writing, “Thank you for facilitating the meeting with Gary.” General Keane wrote that one of the “next steps” that was “captured” from the meeting was that the “IP3 solution will be incorporated as one of the material deals at the upcoming Summit.” He also wrote: “Gary agreed to signal support to the PIF that the acquisition of Westinghouse with KSA minority investment and U.S. majority ownership would be supported (pending CFIUS approval).”<sup>71</sup> General Keane appears to have been referring to the upcoming summit with Deputy Crown Prince MBS and Saudi officials in Riyadh on May 20 and 21, 2017.
- According to documents released under FOIA, on April 14, 2017, Mr. Barrack hosted a dinner at a D.C. restaurant with Treasury Secretary Steve Mnuchin, Commerce Secretary Wilbur Ross, Colony NorthStar employees Rick Gates and Matthew Grimes, Ares Private Equity Group partner Matt Cwiertnia, and the Ambassadors to the United States from Oman, Jordan, Kuwait, United Arab Emirates, Bahrain, Qatar, and Saudi Arabia.<sup>72</sup>
- On April 21, 2017, an executive at a nuclear industry company sent an internal email to colleagues, writing: “Folks: IP3 folks telling me that 123 = total roadblock to their efforts to get Admin support for their vision of using nuclear energy as the pillar of US-KSA-GCC relations for ‘peace, power & prosperity’ (i.e. IP3).”<sup>73</sup>
- On April 23, 2017, Admiral Hewitt emailed an industry executive and heavily criticized the idea that Saudi Arabia should be required to meet the “Gold Standard” of nuclear nonproliferation as part of any future 123 Agreement. He wrote:
  - “Gold Standard has slowly killed our leverage and cooperating with the U.S. has been diminished. Alternative suppliers (RF and China) will fill the void and U.S. suppliers have atrophied.”

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<sup>69</sup> Text Exchange Between Matthew Grimes, Vice President, and Justin Chang, Managing Director, Colony NorthStar (Apr. 4–5, 2017).

<sup>70</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Michael Catanzaro, Special Assistant to the President for Domestic Energy and Environmental Policy, The White House (Apr. 14, 2017).

<sup>71</sup> Email from Jack Keane, Co-Founder, IP3, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (Apr. 14, 2017).

<sup>72</sup> Department of the Treasury, *Calendar Entry: Personal Dinner Tom B* (Apr. 14, 2017) (online at [www.documentcloud.org/documents/5686950-Treasury-Secretary-Mnuchin-s-Calendars.html#document/p249/a480594](http://www.documentcloud.org/documents/5686950-Treasury-Secretary-Mnuchin-s-Calendars.html#document/p249/a480594)).

<sup>73</sup> Company 9 Internal Email (Apr. 21, 2017).

- “Insisting on a gold standard 123 agreement is banking on coercion vs cooperation (IP3) as a strategy. Coercion alone is a losing strategy, RF and China moving quickly to provide cooperation.”
- “The Trump administration has been working diligently to get KSA to sign a 123 (Gold standard) and under the current circumstances it has diminished U.S. credibility as well as good will. KSA won’t sign.”<sup>74</sup>
- On April 28, 2017, Admiral Hewitt emailed White House officials Michael Catanzaro and George David Banks an IP3 position paper advocating against requiring Saudi Arabia to agree to the “Gold Standard” in any future 123 Agreement.<sup>75</sup> Admiral Hewitt emailed Mr. Banks at his personal email address. It is unclear if Mr. Banks took steps to preserve this email as required by the Presidential Records Act.
- On April 30, 2017, Admiral Hewitt emailed the same position paper advocating against requiring Saudi Arabia to agree to the “Gold Standard” to two officials at the Department of Energy—Principal Deputy Assistant Secretary for Nuclear Energy Edward McGinnis and Chief of Staff and Senior Advisor in the Office of Nuclear Energy Suzanne Jaworowski.<sup>76</sup>
- On May 6, 2017, Admiral Hewitt sent an email to update Mr. Barrack and Mr. Grimes on IP3 and Colony NorthStar’s efforts to acquire Westinghouse, writing:
 

Following our meeting with Gary Cohn on partnering with PIF in possible acquisition of Westinghouse Gen Keane and the leadership wanted me to reach out and see if you could make an introduction or provide contact info for Yasser Roumayan [Managing Director of the Saudi PIF]. It is our understanding Yasser may be in DC on Monday and the Westinghouse deal structure, plan and equity requirements should be presented.<sup>77</sup>
- On May 10, 2017, Mr. Barrack texted Mr. Kushner to request that they “revisit” the “opportunity,” presumably referring to the plan for IP3 and Mr. Barrack’s company,

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<sup>74</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 9 (Apr. 23, 2017).

<sup>75</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to George David Banks, Special Assistant to the President for International Energy and Environment, The White House, et al. (Apr. 28, 2017).

<sup>76</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Edward McGinnis, Principal Deputy Assistant Secretary for Nuclear Energy, Department of Energy, et al. (Apr. 30, 2017).

<sup>77</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, and Matthew Grimes, Vice President, Colony NorthStar (May 6, 2017).

Colony NorthStar, to acquire Westinghouse:

+1 [REDACTED] - May 10, 2017 at 11:09 AM - (iMessage)

We should revisit westinghouse issue! Interesting opportunity

- The following day, Mr. Barrack asked Mr. Kushner to call him. It is unclear whether the text messages were sent to Mr. Kushner's personal or official cell phone or whether Mr. Kushner took steps to preserve these texts from Mr. Barrack as required by the Presidential Records Act.<sup>78</sup>
- From May 20 to 21, 2017, President Trump took his first overseas trip to Saudi Arabia and met with Saudi officials, including MBS, and leaders of the Gulf Cooperation Council, including MBZ.
- On May 25, 2017, Mr. Chang, one of Mr. Barrack's employees at Colony NorthStar, sent a text to his co-worker, Mr. Grunzweig, writing that he was taking a day trip to meet with IP3, referring to the company as Colony NorthStar's "advisors on Westinghouse." He wrote: "Mtg w our advisors on Westinghouse, the consultants advising on national security and the Saudi stuff etc ... getting this moving ... will use flight to update Tom on all the bankruptcy stuff, went through it all today."<sup>79</sup>
- On June 7, 2017, Mr. Chang sent an email to update two other Colony NorthStar employees on a call that he and Admiral Hewitt had with the bank handling the sale of Westinghouse. Mr. Chang wrote about Westinghouse's sellers and their perception of the IP3/Barrack team: "They definitely get our advantage and value add here and how we can help them."<sup>80</sup>
- On July 20, 2017, employees from another nuclear company discussed in an internal email the potential for investing \$5 million to help support IP3 in locking in the \$120 million investment from Saudi Arabia. One executive asked, "Funding of first project or initial design phase funding? If they get \$120 Million for the initial phase it's unlikely they would want to give us 5M of it since a project has not been started yet." Another executive stated, "My recollection was that IP3 planned to use the \$5 mil for salary and travel to support winning the Saudi business." He added, "then it would be reasonable to collect the \$5 mil when they get the first monies from the Saudis."<sup>81</sup>

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<sup>78</sup> Text from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Jared Kushner, Senior Adviser to the President, The White House (May 11, 2017).

<sup>79</sup> Text from Justin Chang, Managing Director, to Jonathan Grunzweig, Global Head of Special Situations, Colony NorthStar (May 25, 2017).

<sup>80</sup> Email from Justin Chang, Managing Director, to Jonathan Grunzweig, Global Head of Special Situations, and Matthew Grimes, Vice President, Colony NorthStar (June 7, 2017).

<sup>81</sup> Company 6 Internal Email (July 20, 2017).



**G. August 2017: New documents obtained by the Committee indicate that IP3 officials met with Jared Kushner and briefed him on their plan for Westinghouse to be acquired through foreign investments. Mr. Kushner expressed that he planned to convene senior-level interagency meetings to discuss IP3’s proposal and Westinghouse.**

- On August 2, 2017, Mr. Kushner sent an email to IP3 advisor Dennis Ross after meeting with IP3 officials, writing: “[M]et them today and am trying to gather the interagency assessment of the importance, impact and national security considerations both domestically and internationally.”<sup>82</sup>
- A slide deck entitled, “IP3 Overview: Middle East Power Infrastructure and Security Initiative, Jared Kushner, August 2017,” appears to be a presentation that IP3 officials prepared for Mr. Kushner about their plan. The PowerPoint included a suggested capitalization chart for the acquisition of Westinghouse, including a 30% “Foreign owned” equity stake for “Strategic Sovereign Fund,” “Foreign Partner Country #1” and “Foreign Country #2.” The PowerPoint also stated, “A Saudi strategic investment in Westinghouse would serve as a signal towards U.S. partnership.”



<sup>82</sup> Email from Jared Kushner, Senior Adviser to the President, The White House, to Dennis Ross, Advisor, IP3 (Aug. 2, 2017).

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## U.S. interests relative to Westinghouse

*The right Westinghouse solution is of great importance to U.S. national interests*

- **U.S. National Solution:** Westinghouse is the sole U.S. company for large-scale nuclear reactors
- **Best Product:** AP1000 is the best product in the marketplace, undergoing first-of-a-kind startup at Summer/Vogtle
- **Bankruptcy Hurting:** Westinghouse is in a prolonged/complicated bankruptcy, with parent (Toshiba) also at risk
- **Asset-Based Strategy:** To be relevant and competitive in the \$2.6T international marketplace, the U.S. needs Westinghouse as the underpinning asset
- **Ownership Necessary:** U.S. interests are best served by keeping Westinghouse intact and returning the company to U.S. ownership/control
- **Intervention Required:** Further USG involvement at Southern Company/Vogtle is necessary to preserve and help turn around our domestic industry (e.g., PTC, other funding and guarantees, Toshiba resolution, etc.)
- **Speed Matters:** U.S. competitiveness continues to decline with Westinghouse in bankruptcy
- **KSA is Strategic:** A Saudi strategic investment in Westinghouse would serve as a signal towards U.S. partnership
- **Demand Generation:** IP3 will generate foreign demand for Westinghouse as an accelerator to revitalize the U.S. commercial nuclear business

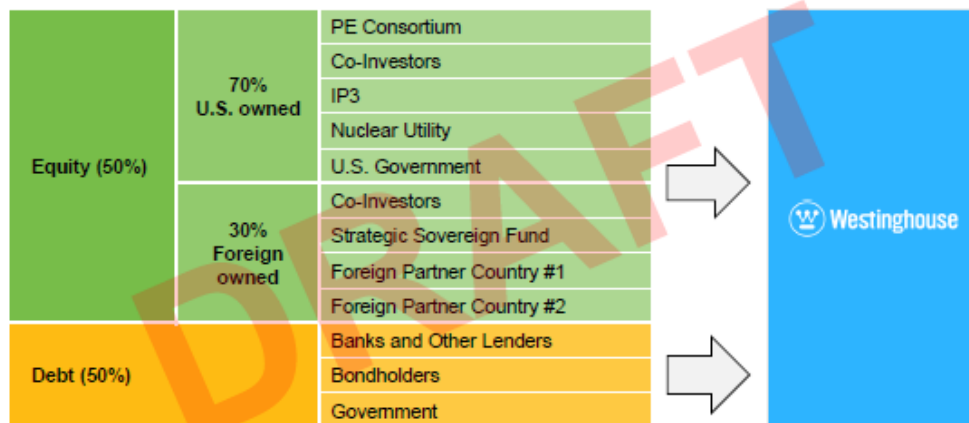
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16

IP3000000998

## Westinghouse acquisition capitalization

*Representative capital structure for reorganized Westinghouse*



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17

- On August 4, 2017, Admiral Hewitt emailed Defense Department official Sally Donnelly, attaching IP3’s presentation for Mr. Kushner and a summary of the key points discussed in the meeting. Admiral Hewitt wrote, “Gen Keane had a conversation with Sec. Mattis following a briefing we provided Jared Kushner on Weds. The Secretary requested a summary paper of the key points we discussed along with a copy of the presentation we provided. Both are attached. Jared was going to engage Sec Tillerson on Weds and

believe he plans to pull together a Deputies, Principals mtg to discuss national security, policy and domestic/international considerations of Middle East, Nuclear Power, Westinghouse and Russian movement to dominate the region/market.” He also wrote: “Other Cabinet officials briefed; Rick Perry, Wilbur Ross and Mike Pompeo.”<sup>83</sup>

**H. September to October 2017: New documents obtained by the Committee indicate that Mr. Barrack’s company and IP3 collaborated with financial firms Apollo Global Management and Blackstone on an ultimately unsuccessful bid to purchase Westinghouse. Mr. Barrack sent Blackstone CEO Steve Schwarzman a memorandum stating, “Our GCC allies in Saudi Arabia and the UAE have committed to invest in the Westinghouse acquisition and are willing to concurrently lock in Westinghouse as the primary partner on the 30+ reactors expected to be constructed in their countries in the coming decade.” The memorandum described this arrangement as an opportunity to acquire Westinghouse “in a whole company transaction through a US-led consortium with our allies from the GCC.” IP3 touted the Trump Administration’s role in this proposal as “an extended team member.”**

- On September 14, 2017, Admiral Hewitt emailed Rick Gates and Matthew Grimes at Mr. Barrack’s company, Colony NorthStar, and requested that they “pass to Tom” an article about Saudi Arabia opening the bidding process for the contract to build nuclear power plants. Admiral Hewitt wrote, “what is needed for any US Industry attempting to compete in the M.E. is our govt to send a signal that they want the U.S. to be the country of choice for your future Nuclear power programs.”<sup>84</sup>
- Also on September 14, 2017, Mr. Chang from Colony NorthStar sent an email to another Managing Director at Colony NorthStar, writing that Mr. Barrack “wants to push hard on” the Westinghouse acquisition. Mr. Chang wrote that Mr. Barrack “wants to talk to Yasir about” the Westinghouse acquisition. Yasir apparently refers to Yasir Al-Rumayyan, Managing Director of the Saudi PIF. The other Managing Director responded, “Good that TJB speaks to Yasir, but we should find a way to have concrete ideas to propose to the PIF teams next week as mentioned.”<sup>85</sup>
- On September 17, 2017, Mr. Chang sent an email to Mr. Barrack entitled, “FT article on Westinghouse.” He wrote, “FYI, as discussed, we will dig in this week, with IP3 team, etc...”<sup>86</sup>

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<sup>83</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Sally Donnelly, Senior Advisor, Department of Defense (Aug. 4, 2017).

<sup>84</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Rick Gates, Consultant, and Matthew Grimes, Vice President, Colony NorthStar (Sept. 14, 2017).

<sup>85</sup> Email Exchange Between Managing Director and Justin Chang, Managing Director, Colony NorthStar (Sept. 14, 2017).

<sup>86</sup> Email from Justin Chang, Managing Director, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (Sept. 17, 2017).

- On September 19, 2017, Mr. Chang sent an email to another of Mr. Barrack’s employees, writing, “We also have a nuclear industry and national security consulting firm working with us.” In another email later that day, Mr. Chang added, “The consulting firm is IP3. Their focus is national security and public policy and governmental approvals. The political aspects of this deal in Washington DC are very significant and IP3 is working with us on all that.”<sup>87</sup>
- On September 20, 2017, Colony NorthStar and IP3 had a conference call to “get organized on game plan on W and due diligence.”<sup>88</sup> “W” appears to refer to Westinghouse.
- On September 25, 2017, Mr. Chang sent an email to Mr. Barrack with an update on Colony NorthStar’s effort to acquire Westinghouse. He wrote, “Westinghouse process underway. First round bids due October 9. Apollo has funded \$800 mm DIP.” He continued, “Apollo is obviously in a position to credit-bid, we should partner with them (and perhaps others), bring our GCC relationships to bear.”<sup>89</sup>
- On September 29, 2017, Mr. Barrack sent an email to Blackstone CEO Steve Schwarzman regarding acquiring Westinghouse, writing, “I think this could be a unique opportunity for you, Apollo and Colony. I’ve spent a lot of personal time on this and I look forward to speaking to you this afternoon.”<sup>90</sup>
- Mr. Barrack attached to his email a memorandum describing the strategic and financial benefits of acquiring Westinghouse. The memorandum stated, “A Westinghouse acquisition can be paired with a broader ‘Colony-IP3’ private sector ‘Middle East Marshall Plan,’ which has been extensively championed by many in the USA and GCC governments.” It also stated, “Our GCC allies in Saudi Arabia and the UAE have committed to invest in the Westinghouse acquisition and are willing to concurrently lock in Westinghouse as the primary partner on the 30+ reactors expected to be constructed in their countries in the coming decade.” The memorandum stated, “Opportunity: Acquire Westinghouse in a whole company transaction through a US-led consortium with our allies from the GCC. In fact, an American-led consortium is the only solution because the sale of Westinghouse will require sign-off from CFIUS (Chaired by Sec. Mnuchin). A 51% USA ownership control of the consortium would allow the transaction to achieve approval from CFIUS on an accelerated basis.”<sup>91</sup>

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<sup>87</sup> Internal Colony NorthStar Email (Sept. 19, 2017).

<sup>88</sup> Email Exchange Between Justin Chang, Managing Director, Colony NorthStar, and Michael Hewitt, Chief Executive Officer, IP3 (Sept. 19, 2017); Calendar invite, “IP3 Telecon w/ Justin Chang” (Sept. 20, 2017).

<sup>89</sup> Email from Justin Chang, Managing Director, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (Sept. 25, 2017).

<sup>90</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Steve Schwarzman, Chairman and Chief Executive Officer, Blackstone (Sept. 29, 2017).

<sup>91</sup> Colony Capital Memorandum on Colony-IP3 Middle East Marshall Plan (Undated).

- On October 5, 2017, Mr. Barrack sent an email to Apollo Co-founder Josh Harris, writing, “Many thanks for allowing us to participate with you in the Westinghouse bid! We are very excited to be partners with you and Blackstone and am certain that we can add some value in the process!”<sup>92</sup>
- On October 8, 2017, Mr. Barrack’s employee, Mr. Chang, emailed Mr. Barrack to inform him that he had spoken to “Apollo and Blackstone deal guys.” He wrote, “Their preference is to submit a joint Apollo/Blackstone bid letter tomorrow ... and that they reference in their letter that Colony will be joining their consortium (if we are ok with such mention).”<sup>93</sup>
- On October 9, 2017, Mr. Chang sent an email to other Colony NorthStar employees that Mr. Barrack’s firm was joining the Blackstone-Apollo bid for Westinghouse.<sup>94</sup>
- On October 20, 2017, Mr. Solomon from IP3 signed a U.S. Government Advocacy Questionnaire for “KSA Large Scale Nuclear Power Plant RFI.” The Questionnaire represented that IP3 was looking “to our foreign allies for financing.”<sup>95</sup>
- On October 31, 2017, news reports stated that Saudi Arabia had sent a request for information to multiple international suppliers, inviting them to submit bids for the contract to build the first two nuclear reactors in Saudi Arabia.<sup>96</sup>
- On November 13, 2017, an IP3 employee sent an email to another nuclear company’s executives with a presentation on IP3 letterhead entitled, “KSA Prep Materials.” The presentation included a slide entitled “11/19 Meeting Themes” with the following bullets:
  - “Our government fully supports our bid: The USG [U.S. Government] is an extended team member.”
  - “We will help Saudi leapfrog Iran and become a nuclear leader: Saudi will quickly surpass Iran in capabilities and image as a nuclear power leader.”<sup>97</sup>

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<sup>92</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Josh Harris, Co-Founder, Apollo Global Management (Oct. 5, 2017).

<sup>93</sup> Email from Justin Chang, Managing Director, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (Oct. 8, 2017).

<sup>94</sup> Email from Justin Chang, Managing Director, to Employees, Colony NorthStar (Oct. 9, 2017).

<sup>95</sup> Advocacy Questionnaire for IP3 Corporation (Oct. 20, 2017).

<sup>96</sup> *Saudi Arabia Takes First Steps Towards Nuclear Plant Tender: Sources*, Reuters (Oct. 31, 2017) (online at [www.reuters.com/article/us-saudi-nuclearpower/saudi-arabia-takes-first-step-towards-nuclear-plant-tender-sources-idUSKBN1D02KH](http://www.reuters.com/article/us-saudi-nuclearpower/saudi-arabia-takes-first-step-towards-nuclear-plant-tender-sources-idUSKBN1D02KH)).

<sup>97</sup> Email from Christine Parthemore, Senior Vice President for Atomic Energy, IP3, to Company 6 (Nov. 13, 2017).

- On December 30, 2017, a consortium of U.S. companies led by Westinghouse submitted a “Team USA” bid for the contract to build two nuclear reactors to the Saudi government entity responsible for the atomic energy program.

**I. Early 2018: New documents obtained by the Committee indicate that after Mr. Barrack learned that his bid with Apollo and Blackstone had been unsuccessful—and Brookfield Asset Management announced that it planned to acquire Westinghouse—Mr. Barrack inquired with Brookfield’s CEO about joining his company’s venture. Mr. Barrack then introduced UAE Ambassador Al Otaiba to Brookfield’s CEO, emphasizing the “great opportunity for Westinghouse and the Emirates to join forces on new initiatives.”**

- On January 4, 2018, Brookfield announced that it had won the bid to acquire Westinghouse.<sup>98</sup>
- On January 31, 2018, Mr. Barrack sent an email to Brookfield Asset Management Chief Executive Officer Bruce Flatt, writing, “Bruce, Hope all is well. Would love to talk to you about Westinghouse if you have a chance.”<sup>99</sup>
- On February 8, 2018, Mr. Flatt sent an email to Mr. Barrack, writing, “I have spoken to the team and we would love to have you involved.” Mr. Barrack responded, “Many thanks for getting back to me! Let’s visit when u can! In Dubai heading home!”<sup>100</sup>
- On February 15, 2018, Mr. Flatt offered that his company and Mr. Barrack’s company could “have a call with a few of our respective people to speak on the opportunity.”<sup>101</sup> It appears that this call occurred on February 20, 2018, and involved nine officials from Brookfield and Colony NorthStar.<sup>102</sup>
- On February 21, 2018, Mr. Chang sent an email to his colleague, Mr. Grunzweig, writing, “Separately, we had call yesterday with bruce [sic] Flatt and team re

<sup>98</sup> *Brookfield Business Partners to Buy Westinghouse for \$4.6 Billion*, Reuters (Jan. 4, 2018) (online at [www.reuters.com/article/us-westinghouse-m-a-brookfieldbusinesspa/brookfield-business-partners-to-buy-westinghouse-for-4-6-billion-idUSKBN1ET1MQ](http://www.reuters.com/article/us-westinghouse-m-a-brookfieldbusinesspa/brookfield-business-partners-to-buy-westinghouse-for-4-6-billion-idUSKBN1ET1MQ)).

<sup>99</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Bruce Flatt, Chief Executive Officer, Brookfield Asset Management (Jan. 31, 2018).

<sup>100</sup> Email Exchange Between Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, and Bruce Flatt, Chief Executive Officer, Brookfield Asset Management (Feb. 8, 2018).

<sup>101</sup> Email from Bruce Flatt, Chief Executive Officer, Brookfield Asset Management, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar (Feb. 15, 2018).

<sup>102</sup> Calendar Invite, “Westinghouse” (Feb. 20, 2018).

Westinghouse. It looks like a good deal.” He added, “Tom inclined to do it.” In a later email, Mr. Chang wrote, “tom thinks he can add value here in Middle East etc.”<sup>103</sup>

- On February 23, 2018, Mr. Grimes sent an email to Mr. Chang, writing, “We had to step off the call with Westinghouse early—did it go alright?” Mr. Chang responded, “The call went great. We should do this. I told tom that and he agrees. He will see Bruce F[latt] next tues or wed in NYC. All good.”<sup>104</sup>
- On February 23, 2018, an associate at Colony NorthStar sent an email to Mr. Chang entitled, “WEC Board Materials v1.0,” with an attached slide presentation that stated, “Colony NorthStar has been invited to make a \$50M co-investment alongside Brookfield in their \$4.2B acquisition of Westinghouse Electric Company.” The slide also stated, “Significant potential for upside through operational improvements, M&A, sector rationalization, and, importantly, meaningful international growth opportunities in the Middle East and other markets. CLNS [Colony NorthStar] is seen as a significant value-add partner due to our experience and relationships with key stakeholders in growth markets such as the Middle East.”<sup>105</sup>
- On February 26, 2018, Mr. Chang sent an email to his co-worker, Mr. Grunzweig, writing, “Discussed westinghouse with Tom. Grab me when we talk next, I can update you.”<sup>106</sup>
- On February 27, 2018, Mr. Barrack sent an email to Mr. Flatt with an article entitled, “U.S. Energy Chief Plans Nuclear Deal Talks with Saudis.” Mr. Flatt and Mr. Barrack then apparently arranged to speak by phone.<sup>107</sup>
- On March 1, 2018, Mr. Barrack sent an email introducing Mr. Flatt and UAE Ambassador Al Otaiba. Mr. Barrack wrote: “I want to introduce you to a great friend and Brookfield CEO, Bruce Flatt. Bruce is recently committed to acquire Westinghouse, one of the largest nuclear power providers and contractors in world [sic]. I think there is a great opportunity for Westinghouse and the Emirates to join forces on new initiatives

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<sup>103</sup> Email from Justin Chang, Managing Director, to Jonathan Grunzweig, Global Head of Special Situations, Colony NorthStar (Feb. 21, 2018).

<sup>104</sup> Email Exchange Between Justin Chang, Managing Director, and Matthew Grimes, Vice President, Colony NorthStar (Feb. 23, 2018).

<sup>105</sup> Email from Associate to Justin Chang, Managing Director, Colony NorthStar (Feb. 23, 2018).

<sup>106</sup> Email from Justin Chang, Managing Director, to Jonathan Grunzweig, Global Head of Special Situations, Colony NorthStar (Feb. 26, 2018).

<sup>107</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Bruce Flatt, Chief Executive Officer, Brookfield Asset Management (Feb. 26–27, 2018).

and I am most pleased to introduce you to each other.”<sup>108</sup> Ambassador Al Otaiba responded, “Tom is correct, there is plenty of potential for collaboration.”<sup>109</sup>

- Mr. Barrack forwarded the email chain to two Colony NorthStar executives, Mr. Chang and Mr. Grunzweig.<sup>110</sup> The Committee is not in receipt of any documents indicating why Mr. Barrack believed this introduction was relevant to Colony NorthStar’s private equity practice.
- On August 1, 2018, Brookfield completed its acquisition of Westinghouse.<sup>111</sup> The acquisition was closed after the Committee on Foreign Investment in the United States (CFIUS)—on which Secretaries Mnuchin, Ross, Mattis, Pompeo, and Perry sit—approved the transaction.
- Two days later, on August 3, 2018, Brookfield announced that it agreed to a 99-year lease of the Kushner Companies’ beleaguered property at 666 Fifth Avenue.<sup>112</sup>

**J. 2018: New documents obtained by the Committee indicate that after the unsuccessful Colony-IP3 attempt to acquire Westinghouse, Westinghouse terminated IP3 from a separate agreement for the consortium of companies that had submitted the “Team USA” bid for the contract to build two nuclear reactors in Saudi Arabia. Westinghouse reportedly expressed concerns that “IP3’s actions may create a faulty assumption that IP3 is in charge.” In response, IP3 joined a bid by the Korean Electric Power Corporation (KEPCO) for the contract to build nuclear reactors in Saudi Arabia using U.S. nuclear technology. IP3 continued to leverage its connections with the Trump Administration, holding meetings at the White House and with other agencies. IP3 officials boasted of “unique access” to President Trump and senior White House officials, disparaged growing bipartisan congressional efforts to limit the transfer of nuclear technology to Saudi Arabia, and characterized the “Gold Standard” of prohibiting Saudi Arabia from enriching uranium for weapons as an obstacle to be “overcome.”**

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<sup>108</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, to Yousef Al Otaiba, United Arab Emirates Ambassador to the United States, and Bruce Flatt, Chief Executive Officer, Brookfield Asset Management (Mar. 1, 2018).

<sup>109</sup> Email from Yousef Al Otaiba, United Arab Emirates Ambassador to the United States, to Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, Colony NorthStar, and Bruce Flatt, Chief Executive Officer, Brookfield Asset Management (Mar. 1, 2018).

<sup>110</sup> Email from Thomas J. Barrack, Jr., Executive Chairman and Chief Executive Officer, to Justin Chang, Managing Director, and Jonathan Grunzweig, Global Head of Special Situations, Colony NorthStar (Mar. 1, 2018).

<sup>111</sup> *Brookfield Business Partners Completes Acquisition of Westinghouse Electric Company*, Brookfield Press Release (Aug. 1, 2018) (online at <https://bbu.brookfield.com/en/press-releases/2018/08-01-2018-211711827>).

<sup>112</sup> *Kushners Unload 666 Fifth Ave. to Brookfield in 99-Year Lease*, Bloomberg (Aug. 3, 2018) (online at [www.bloomberg.com/news/articles/2018-08-03/brookfield-acquires-99-year-lease-on-nyc-tower-from-kushner-cos](http://www.bloomberg.com/news/articles/2018-08-03/brookfield-acquires-99-year-lease-on-nyc-tower-from-kushner-cos)).



- On February 26, 2018, Mr. Dunn from IP3 sent an email to industry officials that were part of the “Team USA” bid for the contract to build two nuclear reactors in Saudi Arabia. He wrote that “IP3 corporation has been notified by Westinghouse Electric Company LLC (WEC) CEO José Gutiérrez this evening (Monday February 26) that: 1. WEC decided to terminate the RFI FEED-A MOU relationship with IP3 effective immediately.” He added that Westinghouse had given multiple reasons for terminating IP3, including “IP3’s actions may create a faulty assumption that IP3 is in charge.”<sup>113</sup>
- On March 22, 2018, an executive for a company that had invested in IP3 summarized his understanding of IP3’s rationale for partnering with South Korea: “The primary issue with the Team USA bid is the 123 Agreement. The Saudis are not interested in any agreement that provides less freedom in the nuclear arena than what the US afforded Iran, their sworn enemy, in the JCPOA under the last administration.” The executive added, “since IP3 left the team they have been working with the South Koreans to create an alternative team that may be in a better position to win.”<sup>114</sup>
- On March 27, 2018, IP3 had a meeting at the Department of Energy to discuss its efforts to partner with South Korea. In an email to industry partners, IP3 President Stuart Solomon wrote: “Thanks much for joining the meeting at DOE today. Each of your remarks certainly helped convey the current situation and the opportunity in front of us all with a potential ROK [Republic of Korea] alliance. We’re pleased that they’ve agreed to host the Koreans next Tuesday and we will continue to attempt to better educate Under Secretary Menezes.”<sup>115</sup>
- Also on March 27, 2018, IP3 met with Special Assistant to the President for the Defense Industrial Base, Alexander Gray. In an email thanking Mr. Gray for the meeting, IP3 President Solomon wrote: “Alex, thanks for the time discussing the proposed ROK alliance with us today. We also appreciate your outreach to Matt P. and would be very happy to come provide a quick briefing at his convenience prior to the Korean visit.” Mr. Gray responded, “Thanks, Stu. I’ve passed on to NSC Asia.”<sup>116</sup> “Matt P.” may refer to NSC Senior Director for Asian Affairs Matthew Pottinger.
- On March 30, 2018, IP3’s co-founder, General Alexander, wrote to Peter Navarro, the Director of the Office of Trade and Manufacturing Policy at the White House, to inform him about an upcoming meeting with Korean industry and government officials. He wrote, “IP3 has been working on a proposal along the lines that I outlined last Thursday

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<sup>113</sup> Email from Alan Dunn, Chief Legal Officer, IP3, to Company 6, et al. (Feb. 26, 2018).

<sup>114</sup> Internal Company 6 Email (Mar. 22, 2018).

<sup>115</sup> Email from Stuart Solomon, President, IP3, to Company 6, et al. (Mar. 27, 2018).

<sup>116</sup> Emails between Stuart Solomon, President, IP3, and Alexander Gray, Special Assistant to the President for the Defense Industrial Base, Office of Trade and Manufacturing Policy, The White House (Mar. 27, 2018).

and helps build a more comprehensive solution, and the joint US-Korea partnership and offering.”<sup>117</sup>

- On June 15, 2018, Mr. Solomon and Admiral Hewitt sent an email to IP3 officials and advisors with a status update, writing, “DoE in our ongoing meetings is now communicating that the IP3 messages are resonating regarding how U.S. companies can win in Saudi Arabia and the importance of having integrated security within any offer that U.S. companies put forward.”<sup>118</sup>
- On July 26, 2018, a nuclear industry executive forwarded to Mr. Solomon a summary of a Senate bill that would call for “the inclusion of language in a bilateral 123 Agreement prohibiting Saudi Arabia from enriching or reprocessing uranium.” The executive wrote to Mr. Solomon, “This sucks! Might mean W is out,” an apparent reference to Westinghouse. Mr. Solomon responded, “I talked to one of the Senate Chiefs of Staff this morning. SR541 is non-binding. This was the Foreign Relations Committee vote. Now it continues on through the process. None of us think it can pass the Senate floor, and we believe it is just a couple of non-pro folks making noise ... it also supports Israel’s position. The key folks know that a gold standard is not achievable.”<sup>119</sup>
- On August 8, 2018, Mr. Solomon sent an email to an industry executive about a meeting IP3 had at the Department of State, writing, “We had a good meeting with State yesterday, sharing our perspectives on how to best move forward in KSA. Assistant Secretary Chris Ford and Assistant Secretary Manisha Singh both attended. They now have a much better and more holistic understanding of how U.S. industry can best participate while also improving our national interests. They have requested that we brief Commerce again and potentially submit an independent advocacy request for services beyond the technology selection.”<sup>120</sup> The following month, IP3 submitted an advocacy questionnaire to the Department of Commerce.<sup>121</sup>
- On August 20, 2018, Mr. McFarlane emailed two National Security Council staff, including Senior Director for Gulf Affairs Kirsten Fontenrose, thanking them for their “offer to organize such a meeting to include Mr. Wells Griffith [Special Assistant to the President and NSC Senior Director for International Energy and Environment], General Julie Bentz [NSC Senior Director for Weapons of Mass Destruction] and possibly others.” Mr. McFarlane wrote, “Over the past two years, our team has maintained a close

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<sup>117</sup> Email from Keith Alexander, Director, IP3, to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 30, 2018).

<sup>118</sup> Email from Stuart Solomon, President, and Michael Hewitt, Chief Executive Officer, IP3, to IP3 Officials and Advisors (June 15, 2018).

<sup>119</sup> Email from Stuart Solomon, President, IP3, to Company 6 (July 26, 2018).

<sup>120</sup> Email from Stuart Solomon, President, IP3, to Company 1 (Aug. 8, 2018).

<sup>121</sup> IP3 Advocacy Questionnaire (Sept. 11, 2018).

dialogue with principals at the Departments of State and Energy as well as senior professionals throughout the IC [Intelligence Community].”<sup>122</sup>

- On August 27, 2018, Admiral Hewitt emailed two NSC officials, including Ms. Fontenrose and NSC Director for Gulf Affairs Charles A. Gambaro, Jr., to thank them for an August 24, 2018, meeting and attached a draft IP3 document advocating against requiring the “Gold Standard” for Saudi Arabia, which IP3 defined as a provision that “requires the other government to make a legally-binding commitment never to pursue uranium enrichment or reprocessing capabilities.”<sup>123</sup> IP3 argued that “continued USG insistence on the ‘gold standard’ will likely lock US companies forever out of the global market for contracts in the nuclear industry including contracts to supply reactors, equipment, services, fuel, or other products, and force all potential partners into the waiting arms of Russia, China, Korea, and France.”<sup>124</sup>
- On October 2, 2018, journalist and Saudi dissident Jamal Khashoggi was murdered in the Saudi consulate in Istanbul, Turkey. An independent report issued by the United Nations found that “Mr. Khashoggi has been the victim of a deliberate, premeditated execution, an extrajudicial killing for which the state of Saudi Arabia is responsible under international human rights law.”<sup>125</sup> When asked if there should be an investigation into the death of Mr. Khashoggi, President Trump said of Saudi Arabia, “I’m not like a fool that says, ‘We don’t want to do business with them.’ And by the way, if they don’t do business with us, you know what they do? They’ll do business with the Russians or with the Chinese. They will buy—We make the best equipment in the world, but they will buy great equipment from Russia and China.”<sup>126</sup>
- On October 31, 2018, in explaining IP3’s new partnership with KEPCO to an industry partner, Admiral Hewitt wrote: “The region is way to [sic] complicated for WEC and the DoE ‘team USA’ to navigate a win strategy. A US, Korean alliance makes more sense than ever.”<sup>127</sup>
- On November 9, 2018, Admiral Hewitt sent an email to nuclear industry executives to inform them that he would be meeting with Mohamed Al Hammadi, the CEO of the Emirates Nuclear Energy Corporation (ENEC). Admiral Hewitt wrote that his goal was

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<sup>122</sup> Email from Bud McFarlane, Co-Founder, IP3, to Kirsten Fontenrose, Senior Director for Gulf Affairs, National Security Council, The White House, et al. (Aug. 20, 2018).

<sup>123</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Kirsten Fontenrose, Senior Director for Gulf Affairs, and Charles A. Gambaro, Jr., Director for Gulf Affairs, National Security Council, The White House (Aug. 27, 2018).

<sup>124</sup> IP3 Position Paper on 123 Agreements.

<sup>125</sup> ‘Credible Evidence’ Saudi Crown Prince Liable for Khashoggi Killing—UN Report, The Guardian (June 19, 2019) (online at [www.theguardian.com/world/2019/jun/19/jamal-khashoggi-killing-saudi-crown-prince-mohammed-bin-salman-evidence-un-report](http://www.theguardian.com/world/2019/jun/19/jamal-khashoggi-killing-saudi-crown-prince-mohammed-bin-salman-evidence-un-report)).

<sup>126</sup> *President Trump’s Full, Unedited Interview with Meet the Press*, NBC News (June 23, 2019) (online at [www.nbcnews.com/politics/meet-the-press/president-trump-s-full-unedited-interview-meet-press-n1020731](http://www.nbcnews.com/politics/meet-the-press/president-trump-s-full-unedited-interview-meet-press-n1020731)).

<sup>127</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 6 (Oct. 31, 2018).

“to provide him an overview of IP3, our commitment to US leading Nuclear power in the Middle East and the importance of a comprehensive security program to accompany the civil program.”<sup>128</sup>

- On November 26, 2018, Admiral Hewitt sent an email to nuclear industry executives to summarize his “very productive meeting” with Mr. Al Hammadi. He wrote, “I gave him an IP3 overview and our role (security, geo-politics) as well as our specific thinking on a US, ROK, UAE consortium as the best overall solution for KSA 1,2.” He added, “We discussed the challenges presented by the Khashoggi issue and why it makes a consortium bid even more important. Plus having IP3 on the team to work between USG and Commercial entities.” Admiral Hewitt concluded, “Hammadi is having more talks with KSA and Min. of Energy as well as Korea and offered to update me on those conversations.”<sup>129</sup>
- On December 22, 2018, Admiral Hewitt forwarded an article to industry executives about a bipartisan Senate bill, the “No Nuclear Weapons for Saudi Arabia Act,” introduced by Senators Marco Rubio and Ed Markey. The article stated that the bill “would ban the U.S. from entering into a nuclear energy deal with Saudi Arabia unless it comes clean about the death of U.S. resident and journalist Jamal Khashoggi.” Admiral Hewitt wrote that the bill was “extremely problematic.” He also wrote, “The KSA Nuc. power program is becoming more and more of a challenge for the Administration and our consortium of partners.” He added, “The gold standard conversation can be overcome if you discuss US, KSA cooperation across a broad range of agreements, not just the 123.”<sup>130</sup>
- On December 26, 2018, Admiral Hewitt sent an email to nuclear industry executives entitled, “DRAFT Letter to the President,” which he wrote was “the result of several months of discussions with State. Dept [sic], NSC, DoE and other industry partners.”<sup>131</sup> In an email he sent three days later to nuclear industry executives, Admiral Hewitt wrote, “Our unique access to the Administration and Departments and agencies has allowed us to elevate the key issues directly to NSC as well as directly with POTUS.”<sup>132</sup> The draft letter asked President Trump to “clearly convey to our partners in the Middle East that the U.S. government supports ‘Team USA’—a broad collection of U.S. companies that will work side-by-side with our regional partners to deliver clean and reliable nuclear power to the region.”<sup>133</sup>
- On January 13, 2019, an official from a nuclear energy company emailed two colleagues, writing, “No need for a letter to the President now. General Jack Keane met with the

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<sup>128</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 6 (Nov. 9, 2018).

<sup>129</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 6 (Nov. 26, 2018).

<sup>130</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 6 (Dec. 22, 2018).

<sup>131</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 1 (Dec. 26, 2018).

<sup>132</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 1 (Dec. 29, 2018).

<sup>133</sup> Draft Letter from IP3 to President Donald J. Trump (Dec. 18, 2018).

President on Friday with Mulvaney his chief of staff was [sic] in the room. Keane said the meeting could not have gone better.” He added, “Keane asked for a meeting of nuclear industry executives to provide him with the background and suggest a path forward. President Trump said when can I get this meeting.”<sup>134</sup>

**K. 2019: IP3’s efforts to influence the Trump Administration and profit from transfer of U.S. nuclear technology to Saudi Arabia continue to this day. In February 2019, IP3 orchestrated a meeting with President Trump and nuclear industry executives at the White House. IP3 also planned a meeting with National Security Advisor John Bolton in March 2019, but it was cancelled because of “legal and ethical concerns.” Two years earlier, NSC Legal Advisor John Eisenberg had ordered NSC employees to stop working on IP3-related matters due to conflicts of interest and potential violations of federal law.**

- On February 9, 2019, Admiral Hewitt sent an email to nuclear industry executives, writing, “We were contacted by the Presidents [sic] office and he would like to meet on Tuesday [February 12] at 3:15pm.” He added, “We will provide an outline and projected flow of the meeting. We have shared details with Sec. State Pompeo and Sec. Energy Perry as well as Amb. Bolton and expect they will be in attendance.” Identifying topics he expected the President to address, Admiral Hewitt wrote: “Discussing how the U.S. competes and wins against RF and CN in the growing Nuclear power competition. How such a campaign aligns to Administrations [sic] strategy for the M.E., a campaign that is based on stability, not conflict and how it supports international and domestic energy and national security priorities. How Industry can help.”<sup>135</sup>
- On February 12, 2019, it was publicly reported that IP3 officials and representatives from several nuclear energy companies met with President Trump and Secretary Perry at the White House about nuclear power development in the Middle East, including Saudi Arabia.

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<sup>134</sup> Company 6 Internal Email (Jan. 13, 2019).

<sup>135</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Industry Executives (Feb. 9, 2019).



*Official White House photo by Tia Dufour*

- On February 13, 2019, after meeting with President Trump, Admiral Hewitt sent an email to a nuclear industry executive, writing that he “had two follow ups with DoE today.” He added, “This needs to be a Military like campaign and that’s what we intend to build.”<sup>136</sup>
- On February 15, 2019, Admiral Hewitt sent an email to two nuclear industry executives, writing that General Keane would “circle back with POTUS 1v1. We’re going into [sic] see Amb Bolton to move this more into NSC at the WH.”<sup>137</sup>
- On February 23, 2019, an executive from a nuclear industry company reported to his colleagues: “[IP3 Co-Founder] Jack [Keane] believes the AP1000 can not [sic] be successful internationally and will be suggesting to [Director of the National Economic Council] Larry Kudlow that the best path forward for the US industry is for the US to partner with Korea on joint international nuclear projects.”<sup>138</sup>
- On March 20, 2019, prior to a scheduled meeting with Mr. Bolton, his assistant sent an email to IP3 to cancel the meeting. She wrote, “please let everyone know there are legal and ethical concerns about amb bolton taking this meeting and we need to pull it down

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<sup>136</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 2 (Feb. 13, 2019).

<sup>137</sup> Email from Michael Hewitt, Chief Executive Officer, IP3, to Company 6 (Feb. 15, 2019).

<sup>138</sup> Internal Company 6 Email (Feb. 23, 2019).

for now.”<sup>139</sup> As noted in the Committee’s February 19, 2019, interim staff report, NSC Legal Advisor John Eisenberg previously instructed all NSC staff to cease working on the IP3 plan on January 30, 2017, and again on March 27, 2017, citing conflicts of interest and potential violations of federal law.<sup>140</sup>

- On April 15, 2019, news reports stated that Trump Administration officials were seriously considering the joint U.S.-Korea bid for the contract to build nuclear reactors in Saudi Arabia. The article reported that Trump Administration officials who are considering the U.S.-Korean partnership have “raised the question of whether the partnership with South Korea might help American companies clinch a deal without the U.S. signing a formal cooperation deal with Saudi known as a ‘123 Agreement.’”<sup>141</sup> The article also stated that the advocates of the KEPCO-U.S. partnership have made the argument that a 123 Agreement is not necessary:

The argument from the Saudi and South Koreans, experts say, is that the nuclear technology that would eventually find its way to Riyadh would be of South Korean origin, not American. Therefore, the U.S. and Saudi Arabia would not need a 123 Agreement. The U.S. companies would only provide other services such as technical expertise, security and staffing.<sup>142</sup>

- In a June 25, 2019, hearing before the House Committee on Science, Space, and Technology, Secretary of Energy Rick Perry appeared to dodge a straightforward question from Rep. Brad Sherman about whether the Trump Administration would require a 123 Agreement with Saudi Arabia in advance of KEPCO being able to build any nuclear reactors in Saudi Arabia with U.S. technology:

SHERMAN: Can you state, for the record, the Administration’s position on whether this South Korean firm would need to see a 123 Agreement between the United States and Saudi Arabia to sell large nuclear reactors to Saudi Arabia?

PERRY: Sure, what I think would be helpful here is if people understand the Part 810 and—

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<sup>139</sup> Email from Christine Samuelian, National Security Council, The White House, to Executive Assistant, IP3 (Mar. 20, 2019).

<sup>140</sup> Committee on Oversight and Reform, *Interim Staff Report: Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (Feb. 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202-19-2019.pdf>).

<sup>141</sup> *U.S. Nuclear Firms’ New Plan to Cash In on Saudi Deal*, Daily Beast (Apr. 15, 2019) (online at [www.thedailybeast.com/us-nuclear-firms-new-plan-to-cash-in-on-saudi-deal](http://www.thedailybeast.com/us-nuclear-firms-new-plan-to-cash-in-on-saudi-deal)).

<sup>142</sup> *Id.*

SHERMAN: I'm going to get to a Part 810 question, but the first question is—is South Korea free to build large nuclear plants in Saudi Arabia using American technology?

PERRY: Here—here would be my answer, is it would be no. Because they would require a Part 810 before they could—before they could go into a—because that is U.S. technology.<sup>143</sup>

**L. New documents obtained by the Committee indicate that officials from other companies in the nuclear industry have serious concerns about IP3's financial motive in pressing for the transfer of U.S. nuclear technology to Saudi Arabia and IP3's lack of expertise, calling the company the "Theranos of the nuclear industry."**

- On February 16, 2018, IP3 sent an email notifying nuclear industry executives of an IP3 1Q Advisory Council meeting. Forwarding the invitation within his company, an executive at one nuclear industry company wrote, "IP3 has a questionable reputation to some people in the USG [U.S. Government] and elsewhere. ... I understand that many companies that periodically meet with IP3 have the same attitude that we have: we are not actually part of IP3, but we periodically meet with them to discuss KSA nuclear plans and opportunities."<sup>144</sup>
- On May 27, 2018, executives at a nuclear industry company internally circulated a slide deck that IP3 had presented to industry partners. After reviewing the presentation, an executive at that company sent an email to his colleagues, noting, "This whole IP3 effort is still a bit strange and mysterious," and, "what do they mean by 'robust fuel cycle strategy'? That line is like a flashing red warning light. We need to know more before we agree to a dangerous-sounding line like that and tone it down to something acceptable to the USG."<sup>145</sup>
- On January 9, 2019, an executive at a nuclear industry company internally circulated a proposed letter drafted by IP3. The executive wrote, "I do not think its [sic] a good idea to wrap ourselves around IP3 or anything they do."<sup>146</sup>
- With respect to the February 12, 2019, meeting at the White House with President Trump and Secretary Perry, multiple executives expressed skepticism about IP3 and its plans after receiving the invitation from Admiral Hewitt:

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<sup>143</sup> House Committee on Science, Space, and Technology, *Hearing on Energy Department Research and Development*, 116th Cong. (June 25, 2019) (online at [www.c-span.org/video/?462056-1/energy-department-research-development&start=8464](http://www.c-span.org/video/?462056-1/energy-department-research-development&start=8464)).

<sup>144</sup> Company 1 Internal Email (Feb. 27, 2018).

<sup>145</sup> Company 1 Internal Email (May 27, 2018).

<sup>146</sup> Company 3 Internal Email (Jan. 9, 2019).



- One company’s chief executive forwarded Admiral Hewitt’s email to a representative of an outside advocacy group, asking whether the group was aware of the meeting. The industry representative responded that it had not been informed, but stated, “We have been cool towards IP3—likely why they did not share this directly.” The company’s executive responded, “If this is a push for IP3, I will not attend.”<sup>147</sup>
- Several invitees chafed at IP3’s efforts to orchestrate this meeting:
  - “If this is a IP3 boondoggle I am not interested.”<sup>148</sup>
  - “[M]ost participants are still concerned that IP3 is setting everyone up.”<sup>149</sup>
  - “I don’t like this script at all. You are making this as an IP3 event and not an industry event. The messages are not what in my opinion the commercial nuclear industry needs. We, the industry, have real experience working internationally and compete with Russia and China.”<sup>150</sup>
- When discussing preparations for the February 12, 2019, meeting at the White House, an executive at one nuclear industry company explained in an internal email on February 10, 2019, that IP3 was the “Theranos of the nuclear industry.”
  - The executive wrote that IP3’s “business model has included promises to those individuals [involved with IP3] of \$1M per reactor sold into SA to participate.”
  - The executive summarized IP3’s plan as follows: “The core idea is SA is critical to US foreign policy. SA wants nuclear power. So leverage the SA desire for nuclear power and the current administration’s leverage over SA to get SA to choose a US solution for nuclear energy. IP-3 would then provide the enriched fuel, security, and disposal of the fuel.”
  - Noting major deficiencies in the IP3 plan, the executive wrote: “The only missing reality points are (1) SA has not signed a 123 agreement; (2) the SA doesn’t have the infrastructure or the intellectual ability to build or run nuclear power plants; (3) no US company can put a nuclear plant construction job on the balance sheet; and (4) SA doesn’t really want a nuclear reactor fleet.”

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<sup>147</sup> Email from Company 2 to Industry Advocacy Group (Feb. 10, 2019).

<sup>148</sup> Company 2 Internal Email (Feb. 10, 2019).

<sup>149</sup> Company 3 Internal Email (Feb. 10, 2019).

<sup>150</sup> Email from Company 4 to Michael Hewitt, Chief Executive Officer, IP3 (Feb. 11, 2019).

- The executive criticized IP3’s efforts to circumvent career experts at federal agencies, noting that “DOE and State have been all over this issue for years. The professional staff do not like the idea of IP-3 running around them.”<sup>151</sup>
- In the weeks after the meeting with the President, an executive from another nuclear company summarized IP3’s motivations in an internal email: “I asked what they were looking to do—they basically want to make money selling security services and packages to middle east countries hosting US nuclear reactors.”<sup>152</sup>

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<sup>151</sup> Company 5 Internal Email (Feb. 10, 2019).

<sup>152</sup> Company 2 Internal Email (Feb. 28, 2019).