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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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July 31, 2018

The Honorable Caroline C. Hunter, Chair
The Honorable Ellen L. Weintraub, Vice Chair
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Dear Chair Hunter and Vice Chair Weintraub:

On May 3rd, I wrote to your offices urging further investigation of alleged Russian influence in the 2016 U.S. elections and provided my correspondence with the National Rifle Association in support of your inquiry.¹ I write again today to urge the Federal Election Commission (FEC) to expedite a decision on whether to formally investigate whether Russia used the National Rifle Association (NRA) to funnel foreign contributions into or provide support during the 2016 U.S. elections.

On July 16th, the Department of Justice (DOJ) unsealed a criminal complaint charging Maria Butina, a Russian national, with conspiracy to act as an agent of Russia in the U.S. without prior notification to the Attorney General.² This complaint comes only days after DOJ charged twelve Russian intelligence officers for crimes that were intended to interfere with the 2016 U.S. presidential election, including hacking into the computer networks of the Democratic Congressional Campaign Committee, the Democratic National Committee, and the presidential campaign of Hillary Clinton.³

According to the complaint, the objectives of Butina's conspiracy include exploiting personal connections with U.S. persons having influence in American politics and infiltrating organizations active in U.S. politics in an effort to advance the interests of Russia. An affidavit accompanying the complaint identifies a "Gun Rights Organization," widely reported as the NRA, as the primary focus for infiltration by Butina and the Russian officials supporting her activities.⁴

¹ Press Release, Ranking Member Wyden, Senate Finance Committee, May 3, 2018;

www.finance.senate.gov/ranking-members-news/wyden-refers-nra-correspondence-to-the-federal-election-commission

² US Department of Justice, USA vs. Mariia Butina Criminal Complaint, July 14, 2018; www.justice.gov/opa/press-release/file/1080761/download

³ Press Release, US Department of Justice, July 13, 2018; www.justice.gov/opa/pr/grand-jury-indicts-12-russian-intelligence-officers-hacking-offenses-related-2016-election

⁴ US Department of Justice Affidavit in Support of An Applicant for a Criminal Complaint, USA vs. Mariia Butina, July 16, 2018; www.justice.gov/opa/press-release/file/1080766/download

ABC News, Maria Butina, Russian gun rights activist linked to NRA, charged as Kremlin agent, July 17, 2018; <https://abcnews.go.com/Politics/maria-butina-russian-activist-linked-nra-charged-conspiracy/story?id=56626626>

Infiltrating the “gun rights organization” was a high priority for Russia because of the “central place and influence” it has in “a major political party” and the belief that it is the “largest sponsor of the elections to the U.S. Congress.”⁵ Previous public reports have also indicated that the FBI is also investigating Butina’s unindicted co-conspirator, Alexander Torshin—a sanctioned Russian official with links to money laundering and close ties to President Vladimir Putin—for potentially providing money to the NRA to help then-presidential candidate Donald Trump.⁶ DOJ filings also allege that Butina was routinely in contact with Torshin and members of Russia’s intelligence services, corresponded with a Russian businessman referred to as her “funder,” and sent funds to an account in Russia.⁷

As you are aware, federal election laws expressly prohibit foreign nationals “from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly.” FEC regulations also prohibit the participation of foreign nationals in “decisions involving election-related activities.” The FEC’s enforcement guidance also makes clear that a DOJ investigation or prosecution does not necessarily preclude the pursuit of civil violations of law at the same time the DOJ is pursuing a criminal case.

It is my understanding that the FEC has begun a preliminary investigation into whether Russian entities gave illegal contributions to the NRA during the 2016 election.⁸ Butina’s attorney also confirmed in a July 18th hearing in federal court that she had received and responded to an inquiry made by the FEC concerning donations to a political campaign.⁹ However, it remains unknown whether the FEC’s General Counsel has provided a recommendation to the Commission that there is “reason to believe” a violation of law occurred, or if the Commission has voted affirmatively to proceed with a formal investigation of these matters.

In light of the additional facts that have surfaced as a result of these recent indictments, I urge the FEC to move quickly to determine whether a formal investigation is warranted. If the Commission were to authorize such an investigation, it could enforce its inquiries through the use of compulsory process in federal court, including through the issuance of subpoenas.

Ensuring the integrity of our elections and preventing foreign interference is at the core of protecting our democracy. Defending our democracy from future interference requires that we act now. Accordingly, the FEC must do everything in its power to counter Russia’s malign activities and prevent Russia from exploiting U.S. political organizations to interfere in our elections.

⁵ DOJ Affidavit, USA vs. Mariia Butina, July 16, 2018; www.justice.gov/opa/press-release/file/1080766/download

⁶ McClatchy, FBI investigating whether Russian money went to NRA to help Trump, January 18, 2018; www.mcclatchydc.com/news/nation-world/national/article195231139.html

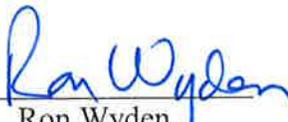
⁷ DOJ Affidavit, USA vs. Mariia Butina, July 16, 2018; www.justice.gov/opa/press-release/file/1080766/download

⁸ Politico, FEC probes whether NRA got illegal Russian donations, March 16, 2018; www.politico.com/story/2018/03/16/nra-russia-election-donations-fec-investigation-468661

⁹ Mother Jones, The NRA Has Deep Ties to Accused Russian Spy Maria Butina, July 19, 2018; www.motherjones.com/politics/2018/07/nra-maria-butina-spying-charges-trump-campaign/

If you have any questions concerning this correspondence, please contact the Committee's Democratic investigations staff at 202-224-4515. Thank you for your attention to this matter.

Sincerely,



Ron Wyden
Ranking Member

cc: The Honorable Matthew Peterson
Commissioner

The Honorable Steven Walther
Commissioner