

United States House of Representatives  
Committee on Financial Services  
Washington, D.C. 20515

May 18, 2018

The Honorable Steven Mnuchin  
Secretary  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

Dear Secretary Mnuchin:

On January 10, 2018, we wrote you a letter in which we requested information about your involvement in matters pertaining to potential illegal activities by the President, his family members and his associates. Specifically, we questioned the appropriateness of your conduct both as President Trump's former national finance chair and as current Secretary of the U.S. Department of the Treasury ("Department"). We were concerned that your repeated failure to respond to numerous requests we made to you for financial intelligence data housed within the Financial Crimes Enforcement Network ("FinCEN") suggested that you were attempting to obstruct our efforts to uncover potential criminal activity by the President and those in his inner circle. In that letter, we specifically asked:

Have you ever directed, or has any other Trump Administration official, Trump campaign official or Trump family member called on you to direct U.S. Treasury officials or staff members to obscure, destroy, or withhold information implicating the President, Trump campaign officials, Trump family members or his associates?

You did not provide us with a response to this question. On Wednesday, *The New Yorker* reported that a law enforcement official with access to the FinCEN database had discovered that two suspicious activity reports ("SARs") filed by First Republic Bank on Michael Cohen's financial activity were absent from the database.<sup>1</sup> The existence of these two SARs is reportedly only apparent from a third SAR in the database that references them. The missing SARs reportedly "detail more than three million dollars in additional transactions" that were flagged as suspicious.<sup>2</sup>

Michael Cohen, who has served as President Trump's attorney, reportedly opened his account at First Republic Bank for his shell company, Essential Consultants, just before the Presidential election in October 2016 to pay adult-film star Stephanie Clifford, better known as Stormy

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<sup>1</sup> Farrow, Ronan. Missing Files Motivated the Leak of Michael Cohen's Financial Records, May 16, 2018.

<https://www.newyorker.com/news/news-desk/missing-files-motivated-the-leak-of-michael-cohens-financial-records>

<sup>2</sup> *Id.*

Daniels, \$130,000 in return for signing a nondisclosure agreement about her affair with Trump.<sup>3</sup> Given that you were still serving as national finance chair to the Trump campaign at the time, we remain concerned about your involvement in or knowledge of potential illicit activities by President Trump or his associates, including, but not limited to, the details of the arrangement between Mr. Cohen and Ms. Clifford.

While a FinCEN spokesperson responded yesterday to the revelations of the missing SARs by stating that “FinCEN will limit access to certain SARs when requested by law enforcement authorities in connection with an ongoing investigation,” experts have reportedly dismissed this possibility as “nearly unprecedented” and “explosive” if true.

Once again, we call on you to provide specific, enumerated responses to the following questions:

1. Did you direct, or did any other Trump Administration official, Trump campaign official or Trump family member call on you to direct U.S. Treasury officials or staff members to obscure, destroy, or withhold information implicating the President, Trump campaign officials, Trump family members or his associates, including, but not limited to, SARs on Michael Cohen’s financial activity?
2. Has any law enforcement official or agency specifically requested that access be limited to SARs related to Michael Cohen, or any other SARs relating to the financial activity of the President, his family members or his associates?
3. Have you ever been notified about missing SARs relating to Michael Cohen or other Trump family members or associates? If so, on what date or dates and how were you notified?
4. What were the dates on which the two SARs in question were filed in the FinCEN database?
5. Who, employed by Treasury or otherwise, has access to the FinCEN database? Of the individuals who have access to the database, who is capable of editing the documents housed within the database, including by removing documents or limiting access to such documents? Are there internal controls to ensure there are sufficient checks and balances to monitor the maintenance of documents housed in the FinCEN database?
6. Does FinCEN maintain backup and recovery capabilities that are sufficiently resilient?
7. Are there procedures Treasury has in place to locate documents, including SARs, that have been removed or are missing from the FinCEN database? If so, what are those procedures?
8. Are you aware of any other documents relating to the financial activity of the President, his family members or his associates that are missing from the FinCEN database or that have been destroyed?
9. Are there additional databases, other than the main FinCEN database available to law enforcement officials, which are used by Treasury to house SARs? If so, who has access to the alternative database(s)?

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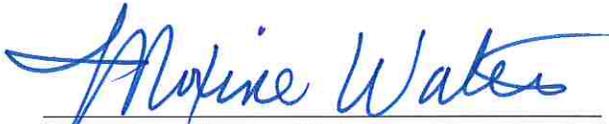
<sup>3</sup> *Id.*

The Honorable Steven Mnuchin

Page 3 of 3

We demand that you provide full and accurate responses to each of the preceding questions as well as all of the originally requested information by no later than May 24, 2018. We appreciate your prompt attention to this matter.

Sincerely,



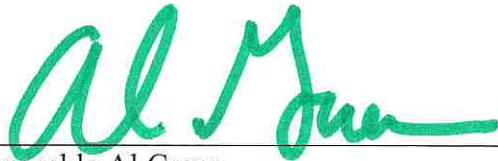
Honorable Maxine Waters  
Ranking Member



Honorable Daniel T. Kildee  
Vice Ranking Member



Honorable Gwen Moore  
Ranking Member, Subcommittee on  
Monetary Policy and Trade



Honorable Al Green  
Ranking Member, Subcommittee on  
Oversight and Investigations



Honorable Ed Perlmutter  
Ranking Member, Subcommittee on  
Terrorism & Illicit Finance

cc: The Honorable Eric M. Thorson, Inspector General, U.S. Department of the Treasury