

Congress of the United States
Washington, DC 20515

February 8, 2013

The Honorable Robert S. Mueller
Director
Federal Bureau of Investigation
935 Pennsylvania Ave NW
Washington, DC 20535

Dear Director Mueller:

We have been informed of an investigation that the Federal Bureau of Investigation (FBI), the NASA Office of the Inspector General and other law enforcement agencies have been working on since 2009 relating to the alleged illegal transfer of ITAR-controlled technology by individuals at the NASA Ames Research Center. It is our understanding that this illegal technology transfer may have involved classified Defense Department weapons system technology to foreign countries, including China, potentially with the tacit or direct approval of the center's leadership.

We were also concerned to learn that large numbers of foreign nationals were invited to work at NASA Ames over the last six years and that federal information and physical security safeguards may not have been used or may have explicitly been ignored on multiple occasions. Additionally, we have been informed that Ames officials may have traveled to foreign conferences and disseminated information about ITAR-controlled technologies in public forums, with Chinese and other foreign officials present.

We have been told by sources close to this investigation that the FBI's case is substantially complete and was referred to the U.S. Attorney for the Northern District of California for prosecution, but it has been stalled for more than a year and that an assistant U.S. attorney was reassigned from the case. It is our understanding that the charges in this case are rapidly running up against the statute of limitations, and that the first charge expired on December 15, 2012.

We were very concerned to learn earlier this week that despite the U.S. Attorney's request for permission from the Justice Department to proceed with indictments, this request was recently denied without explanation, despite the backing of both the FBI and the U.S. Attorney's office. We are deeply concerned that political pressure may be a factor and are formally requesting an investigation into the circumstances of the Justice Department's actions with regard to this case.

We wanted to make you aware that we have asked the Justice Department's Inspector General to review the period of time since the U.S. Attorney's office received the case from the FBI and review the series of questionable delays and reassignment of the assistant U.S. attorneys managing this case. It is our understanding that after the reassignment, certain defendants and certain charges were dropped from the case without explanation.

In addition to the Justice Department's decision, we have also been informed by sources familiar with the case that key evidence from the hard drive of one suspect's computer was corrupted, as were all the back-up copies in the government's possession. We ask that you review the management of this evidence and whether multiple electronic copies were simultaneously damaged.

We appreciate that your staff quickly responded in December when Rep. Wolf first contacted the bureau about this matter and it is our understanding that appropriate offices within the bureau have subsequently reviewed this case. However, we also wanted to make you aware that the allegations raised in this case remain very troubling and hope the FBI will continue to investigate any new information pertaining to illegal technology transfers or inappropriate foreign activity at Ames.

Thank you for your attention to this serious matter. It is imperative that the Justice Department fully enforce U.S. export control laws protecting critical and sensitive U.S. technologies and any federal officials responsible for the transfer of such technology be investigated and prosecuted.

Sincerely,

A handwritten signature in black ink that reads "Frank R. Wolf". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Frank R. Wolf

A handwritten signature in black ink that reads "Lamar Smith". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Lamar Smith