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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR
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August 16, 2023

VIA ELECTRONIC MAIL

Governor Yasir Al-Rumayyan
Public Investment Fund c/o USSA International LLC
767 5th Avenue, 45th Floor
New York, NY 10153

Dear Governor Al-Rumayyan:

On June 21, 2023, the Permanent Subcommittee on Investigations (PSI or the Subcommittee) invited you to testify at a July 11 hearing on the Saudi Arabian Public Investment Fund's (PIF) planned agreement with PGA Tour, Inc., and the risks posed by a foreign government's investment in American institutions.¹ PIF's counsel wrote in response that you "respect and look forward to assisting the Subcommittee's efforts to better understand the Agreement and its implications for the future of professional golf," but that you would be unavailable to testify on July 11 due to "scheduling conflicts."² On July 27, 2023, PSI wrote to you again, renewing the request for your testimony and expressing willingness to work with you to find a mutually acceptable date in September 2023.³ In response to the Subcommittee's request, PIF's counsel wrote a letter on August 4, 2023 and asserted for the first time that you are "an inappropriate witness" for a public hearing because you are "a minister bound by the Kingdom's laws regarding the confidentiality of certain information." PIF's counsel also contended that the Subcommittee's inquiry and document request raises "significant legal considerations," among them "consideration of and solicitude for the principles of sovereignty and international comity."⁴

PIF is a commercial entity with extensive business dealings in the United States. PIF's recent dealings with the PGA Tour demonstrate that it intends to be much more than a passive investor in the American enterprises in which it houses its considerable wealth. This is consistent with publicly available information about PIF's prior investments in United States entities. For

¹ Letter from Chairman Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Governor Yasir al-Rumayyan, Public Investment Fund (June 21, 2023), https://www.hsgac.senate.gov/wp-content/uploads/2023-06-21-Blumenthal-and-Johnson-Hearing-Invitation-to-al-Rumayyan_Redacted.pdf.

² Attachment A to Letter from Chairman Richard Blumenthal, Permanent Subcommittee on Investigations, to Governor Yasir al-Rumayyan, Public Investment Fund (July 27, 2023), https://www.hsgac.senate.gov/wp-content/uploads/2023-07-27-Blumenthal-Request-to-PIF_Redacted.pdf.

³ Letter from Chairman Richard Blumenthal, Permanent Subcommittee on Investigations, to Governor Yasir al-Rumayyan, Public Investment Fund (July 27, 2023), *supra* note 2. As detailed in the Subcommittee's July 27 letter, PSI Staff and counsel for PIF discussed your availability in email exchanges and phone calls between June 21 and July 27. *Id.*

⁴ See Attachment A.

example, PIF's \$3.5 billion-dollar stake in Uber—which makes it Uber's fifth-largest shareholder—led to you sitting on Uber's board of directors.⁵ Other recent PIF activities similarly suggest that it may have plans to take on an active role in other American institutions beyond golf. These include, among other things, PIF's establishment of a New York-based U.S. subsidiary in 2022,⁶ two summits for the PIF non-profit Future Investment Initiative Institute in the United States in the last year,⁷ and the recent disclosure of investments by PIF's venture capital arm (Sanabil Investments) in numerous prominent U.S. venture capital firms.⁸ As the Subcommittee's July 27, 2023 letter makes clear, PSI is seeking to understand the scope of PIF's U.S.-based investments and PIF's plans for the PGA Tour and other U.S. entities. Your testimony and the production of the requested documents are both necessary to effectuate that goal.

The suggestion that your role as a Saudi Foreign Minister shields you from testifying about PIF's commercial activities is both deeply troubling and unsupported as a legal matter. Indeed, the United States District Court for the Northern District of California recently rejected your attempt to hide behind principles of sovereign immunity and international comity when it concluded that you were not exempt from testifying or producing documents in litigation related to PIF's commercial activities.⁹ The court based this conclusion, in part, on the fact that U.S. law exempts certain commercial activity from sovereign immunity. The court also stated that “typical investor activities” could not be reasonably considered confidential information that would adversely affect Saudi Arabia, and that any sovereign considerations were diminished by “PIF's intent ‘to benefit from the United States market.’”¹⁰

In short, PIF cannot have it both ways: if it wants to engage with the United States commercially, it must be subject to United States law and oversight. That oversight includes this Subcommittee's inquiry.

Accordingly, the Subcommittee reiterates its request that you voluntarily appear at a hearing on September 13, 2023 to discuss PIF's commercial engagement with the United States. Your apparent reluctance to voluntarily appear raises questions about the veracity of your previously cited scheduling conflicts. To the extent you cannot appear on September 13 but are willing to voluntarily appear on another mutually agreeable date, the Subcommittee remains

⁵ Ed Lin, *Uber Director Discloses Large Stock Purchase Made Months Ago*, BARRONS (Feb. 1, 2023), <https://www.barrons.com/articles/uber-stock-price-director-purchase-51675260157>.

⁶ *The Big Apple Is Blossoming as PIF Begins Hiring for Its New NYC Office*, GLOBAL SWF (Sept. 20, 2022), <https://globalswf.com/news/the-big-apple-is-blossoming-as-pif-begins-hiring-for-its-new-nyc-office>.

⁷ *Saudi Arabia's FII Institute to Host Global Priority Summit in Miami in March*, ARAB NEWS (March 6, 2023), <https://arab.news/894mm>.

⁸ Nicholas Gordon, *Saudi Arabia Reveals Investments in VC Firms Like Andreessen Horowitz as the Tech Sector Embraces the Country's Money Again*, FORTUNE (April 4, 2023), <https://fortune.com/2023/04/04/saudi-arabia-pif-reveals-investments-vc-firms-andreessen-horowitz-tech-sector-embraces-country-money/>.

⁹ Ord. Denying the Public Investment of the Kingdom of Saudi Arabia and His Excellency Yasir Othman Al-Rumayyan's Motion for Relief From Magistrate Judge's Ord. on Dispositive Mot., Jones et al. v. PGA TOUR, Inc., No. 22-CV-04486-BLF (N.D. Cal. 2023), ECF No. 392.

¹⁰ *Id.*

willing to work to accommodate your schedule in light of your role. Please confirm whether you will appear on September 13, 2023 or propose alternative dates by August 18, 2023. If you continue to refuse to comply voluntarily the Subcommittee will be forced to consider other legal methods to compel PIF's compliance.

Your stated reluctance to produce documents regarding PIF's commercial activities in the United States is also without merit for the reasons detailed above. The Subcommittee seeks records regarding PIF's current and planned commercial activity in the United States, again falling under the well-defined commercial exemption to sovereign immunity and raising little concern about international comity or confidentiality. The Subcommittee expects your compliance and your production of documents by August 18, 2023.

Finally, while the Subcommittee will not accept a briefing from a PIF representative in lieu of your testimony and documents from PIF, it will accept a briefing from an appropriate PIF representative to learn more about PIF's intentions while awaiting your testimony and document production.

Sincerely,



Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

cc: The Honorable Ron Johnson
Ranking Member

Attachment

Attachment A



RAPHAEL A. PROBER

August 4, 2023

VIA ELECTRONIC MAIL

The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

Re: July 27, 2023 Letter to His Excellency Yasir bin Othman Al-Rumayyan

Dear Senator Blumenthal:

I write on behalf of my client, the Public Investment Fund of the Kingdom of Saudi Arabia (the “PIF”) and its Governor His Excellency Yasir bin Othman Al-Rumayyan (“HE”), in response to your letter of July 27, 2023 (the “Letter”). As described to the Subcommittee in my letter of June 28, 2023, and in subsequent conversations and email communications with your staff, the PIF and HE appreciate the Subcommittee’s interest in the Framework Agreement for a potential transaction involving the PGA Tour, Inc., DP World Tour, and LIV Golf (the “Agreement”) and its implications for the future of professional golf, and have been endeavoring to work cooperatively with the Subcommittee to ensure that the Subcommittee receives the information it needs to carry out that inquiry. As we have noted, such engagement must be in accord with relevant laws of the Kingdom of Saudi Arabia and with appropriate consideration of and solicitude for principles of sovereignty and international comity.

The stated focus of the Subcommittee’s July 11, 2023 hearing was the Agreement. In that regard, we understand that the Subcommittee has received the Framework Agreement from LIV Golf and the PGA Tour, among other materials, together with the PGA Tour’s witnesses’ explanations of the same when they appeared before the Subcommittee. As the Subcommittee heard at that hearing, the parties are negotiating and there is no further agreement at this time.

The most recent Letter, however, requests a truly extraordinary production of voluminous documents and information, dating back more than eight years and encompassing every contact the PIF has had with the United States. This considerable expansion of the Subcommittee’s inquiry raises significant legal considerations even beyond those we have noted before. Especially given this expanded scope, HE, a minister bound by the Kingdom’s laws regarding the confidentiality

August 4, 2023

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of certain information, would be an inappropriate witness for a public hearing of this kind. In the continued spirit of cooperation, we again offer to explore alternative options to ensure that the Subcommittee is supplied with relevant information concerning the Agreement, as appropriate and consistent with applicable law. To that end, we would propose to provide, at the Subcommittee's convenience, a factual briefing from an appropriate representative of the PIF regarding the Agreement. We are also in the continued process of exploring what documents concerning the Agreement could be provided, consistent with the parameters and considerations noted above.

Finally, I would like to reiterate that the PIF desires to assist the Subcommittee in its inquiry, but it must do so in a manner consistent with applicable law, and relevant considerations of comity and sovereignty, as described herein and in prior communications. Please let me know if you have any questions.

Sincerely,



Raphael A. Prober
Counsel for the PIF

cc: The Honorable Ron Johnson
Ranking Member