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United States Senate

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

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

March 1, 2017

The Honorable Mick Mulvaney
Director
Office of Management and Budget
441 G St. NW
Washington, DC 20548

Mr. Michael Dempsey
Acting Director
Office of the Director of National Intelligence
Washington, DC 20511

Ms. Kathleen McGettigan
Acting Director
United States Office of Personnel Management
1900 E St. NW
Washington, DC 20415

Dear Director Mulvaney, Acting Director Dempsey and Acting Director McGettigan:

We write today in light of the Administration's recent acknowledgement that General Michael Flynn, prior to assuming the role of National Security Advisor, engaged in inappropriate and potentially illegal communications with Russian government officials or representatives. Such an acknowledgement about an incoming top national security official raises a number of serious concerns about the extent and scope of such conduct by the President's national security team, and it raises very serious questions about how each of these individuals were vetted and ultimately granted access to our nation's most sensitive and classified information. The recent decision by the Defense Intelligence Agency to suspend Mr. Flynn's security clearance validates such concerns, but raises the obvious question of how and why he was ultimately granted and maintained a security clearance after his most recent background investigation.

In particular, we are concerned that the routine checks involved in Mr. Flynn's background investigation were not closely followed and that his latest investigation lacked the appropriate thoroughness to identify what should have been glaring red flags about his suitability to have access to sensitive and classified information. Moreover, if he was not subject to a Counterintelligence Scope Polygraph before working at the White House, it is unclear whether he was fully vetted for either secret contact with a foreign agent or the intentional compromise of U.S. government classified information.


It is critical that the American people have trust in the security clearance background investigation and adjudication process, particularly for individuals working in senior positions within the White House. We are also troubled by the news that six White House employees were dismissed after not passing their Questionnaire for National Security Positions for security clearances. Unfortunately, public trust is undermined by recent events such as these, and a number of questions need to be answered before our confidence in this process can be restored. Therefore, we request the following information, along with any supporting documents:

1. When was Mr. Flynn's most recent Single Scope Background Re-Investigation conducted?
2. Which agency conducted Mr. Flynn's most recent security clearance investigation?
3. Did the FBI conduct a background investigation for Mr. Flynn following the election and prior to him working at the White House?
4. If so, how long did it take for the FBI to conduct Mr. Flynn's background investigation?
5. Was Mr. Flynn subject to a Counterintelligence Scope Polygraph prior to taking his position as National Security Advisor?
6. Was Mr. Flynn required to undergo a polygraph as part of his most recent security clearance investigation?
7. Did Mr. Flynn accurately indicate the extent of his contact with Russian government officials on his most recent SF-86 form?
8. Does the FBI maintain records of Mr. Flynn's foreign travel prior to him working at the White House?
9. Does the FBI have records of Mr. Flynn's foreign contact logs during his time as Director of the Defense Intelligence Agency?
10. What additional areas of concern were flagged by investigators during Mr. Flynn's most recent background investigation?
11. Is Mr. Flynn's security clearance expected to be permanently revoked due to the circumstances of his resignation?
12. Which White House Executive Office positions currently require security clearances?
13. What are the dates on which these security clearances were granted to staff and what are the dates of the most recent re-investigations for these individuals?
14. Why does each of these individuals require a security clearance to hold their positions?
15. What requirement determines the need for these individuals to access classified information and hold security clearances? Which individual, office, or policy makes this determination within the White House?
16. We understand numerous individuals within the White House Executive Office have recently been denied a security clearance. How many individuals does this apply to? What were their intended job titles and responsibilities? Of those individuals who were denied a clearance to work at the White House Executive Office, have any been hired or are in the process of being placed in another federal government department or agency in the Administration?


17. Are any White House Executive Office staff currently employed who have derogatory and/or disqualifying information in their background investigation, yet who the White House Executive Office still deems eligible to hold a security clearance?

We request you provide this information no later than March 17, 2017 and look forward to your prompt response to this inquiry.

Sincerely,



Jon Tester



Claire McCaskill
Ranking Member



Tom Carper
Ranking Member
Permanent Subcommittee
on Investigations



Maggie Hironaka
Margaret Wood Hassan

cc: Ron Johnson
Chairman