United States Senate

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

February 9, 2017

The Honorable James N. Mattis
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Mr. Secretary:

We write today regarding the security concerns stemming from President Donald Trump's reported use of his personal, unofficial, smartphone. Public reports originally indicated that President Trump began using a "secure, encrypted device approved by the U.S. Secret Service" prior to taking office.[1] Subsequent reports, however, suggest that President Trump may still be using his personal smartphone, an "old, unsecured Android phone."[2] While it is important for the President to have the ability to communicate electronically, it is equally important that he does so in a manner that is secure and that ensures the preservation of presidential records.

As you know, hackers often target smartphones in an attempt to obtain sensitive, personal information from the user. Malicious software, often referred to as malware, can provide access to this information through emails, text messages, and even smartphone software.[3] These reports are very troubling because security risks associated with the use of an unsecured phone include hackers' ability to access the device to turn on audio recording and camera features, as well as engaging surveillance tools that allow location and other information tracking features.[4] Manufacturers regularly release updates for smartphone software systems, in part, because new security risks are constantly emerging. Hackers are sometimes successful even when smartphone users take recommended precautions and restrict access to their personal information. These vulnerabilities are among the reasons why national security agencies discourage the use of personal devices. For example, the Department of Defense's (DoD) 2013 Commercial Mobile Device Implementation Plan stated: "DoD policies, operational constructs,

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[1] Maggie Haberman and Glenn Thrush, *A Trump Administration, with Obama Staff Members Filling in the Gaps*, N.Y. TIMES (Jan. 19, 2017).

[2] Maggie Haberman, *A Homebody Finds the Ultimate Home Office*, N.Y. TIMES (Jan. 25, 2017).

[3] *Cyber Threats to Mobile Phones*, UNITED STATES COMPUTER EMERGENCY READINESS TEAM, U.S. DEPARTMENT OF HOMELAND SECURITY (Feb. 6, 2013).

[4] Cecilia Kang, *That Old Phone Trump Uses for Twitter Could Be an Opening to Security Threats,* N.Y. TIMES (Jan. 25, 2017); *See also, Guidelines for Managing the Security of Mobile Devices in the Enterprise*, NATIONAL INSTITUTE OF STANDARDS FOR TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE (SP 800-124).

and security vulnerabilities currently prevent the adoption of devices that are unapproved and procured outside of official government acquisition."[5]

The national security risks of compromising a smartphone used by a senior government official, such as the President of the United States, are considerable. In addition to these security risks, media reports suggest that President Trump often uses his personal Android phone to communicate via his personal Twitter account.[6] The National Archives and Records Administration considers President Trump's tweets to be records that must be adequately documented, preserved, and maintained for historic purposes, as required by the Presidential Records Act.[7]

The Defense Information Systems Agency (DISA) is a sub-component of DoD, "which helps secure the [P]resident's communications."[8] In order to better understand the efforts of the Department, through DISA and the White House Communications Agency, to oversee, develop, and implement protective measures for President Trump's use of a personal smartphone, please provide the following information by March 9, 2017:

1. A written response confirming whether President Trump received a secured, encrypted smartphone for his personal use on or before his inauguration. If so, please provide a written response confirming that President Trump is using this secured phone. If not, please provide a written response describing what kind of personal smartphone President Trump is using, or has used, since taking office.

2. A written response outlining the steps DISA has taken, or plans to take, to develop written policies and procedures regarding protective measures for President Trump's use of a personal smartphone. If such written policies and procedures currently exist, please provide a copy, as well as regular updates regarding compliance with these standards.

3. Did DISA consult and coordinate with the U.S. Secret Service and the National Security Agency during the development of any protective measures for President Trump's use of a personal smartphone? If so, please describe such consultation and coordination efforts.

4. When developing protective measures for President Trump's use of a personal smartphone, did DISA consult with the National Archives and Records Administration to ensure that all security measures allow for the preservation of any presidential records created through President Trump's use of the device, in compliance with the Presidential Records Act?

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[5] Memorandum from Teresa M. Takai, Chief Information Officer, U.S. DEPARTMENT OF DEFENSE, to Secretaries of the Military Departments, *et. al* on Department of Defense Commercial Mobile Device Implementation Plan (Feb. 15, 2013).

[6] *Trump's Still Using His Old Android Phone. That's Very, Very Risky*, Wired (Jan. 25, 2017).

[7] Stephen Braun, *Trump's Tweets are Presidential Records, but Deletions?*, THE ASSOCIATED PRESS (Jan. 23, 2017); *see also* The Presidential Records Act, 44 U.S.C. §§ 2201, 2203 (2015).

[8] Eric Geller, *Trump's Phone: A Cybersecurity Threat?*, POLITICO (Jan. 26, 2017).

If you or members of your staff have any questions about this request, please feel free to ask your staff to contact Donald Sherman with Senator McCaskill's staff at 202-224-2627, or Roberto Berrios with Senator Carper's office at 202-224-2441. Thank you very much for your attention to this matter.

With best personal regards, we are

Sincerely yours,

Claire McCaskill
Ranking Member

Tom Carper
United States Senator

cc: The Honorable Ron Johnson
Chairman

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security

The Honorable ADM Michael S. Rogers
Director
National Security Agency

The Honorable David S. Ferriero
Archivist of the United States
U.S. National Archives and Records Administration