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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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March 30, 2017

The Honorable James Mattis
Secretary of Defense
1000 Defense Pentagon – Room 3E880
Washington, D.C. 20301-1000

Dear Mr. Secretary:

We write with great concern regarding the security clearance background investigations and adjudication determinations of certain White House officials who have access to classified national security information. On March 1, 2017, we sent a letter to Administration officials inquiring into the security clearances investigations and adjudications of key White House personnel, including former National Security Advisor Michael Flynn. The deadline for a response was March 17. As of March 29, we have not yet received a response. Because we still lack this information regarding a critical national security matter, a response directly from the Department of Defense is now necessary.

As you know, there are four major components to the personnel security clearance process: 1) pre-investigation (including the submission of Standard Form SF-86), 2) investigation, 3) adjudication, and, 4) reinvestigation. Because the Department of Defense first investigated Mr. Flynn's background, adjudicated his eligibility to hold a Top Secret security clearance, and continues to hold his clearance, it is incumbent upon Department leadership to be forthright with answers about Mr. Flynn's activities before, during, and after his employment at the Department.

Recent reports have indicated that portions of the White House's security clearance process have experienced breakdowns since the beginning of the new Administration. A key example of this breakdown includes the hiring and subsequent resignation of former National Security Advisor Michael Flynn, whose ties to Turkish government officials as a foreign agent, alleged contact with Russian officials regarding the imposition of U.S. sanctions, and lack of candor with Vice President Pence about such contact resulted in his termination from his position. His case highlights the need not only for more oversight of the personnel security clearance process, but also increased scrutiny of White House officials who seek access to access to classified national security information.

While Mr. Flynn's security clearance is currently suspended by the Defense Intelligence Agency, there is compelling evidence to show that – based on recent reports – his position as National Security Advisor might have jeopardized White House decisions about our national security. First, reports indicate that senior administration officials under President Obama told

President Trump's transition team that he could be susceptible to blackmail based on intercepted phone calls with the Russian Ambassador to the U.S., Sergei Kislyak. Second, Mr. Flynn appears not to have self-reported travel to Moscow and payment of more than \$30,000 from a Russian state-run broadcaster RT TV-Russia for a speech in December 2015. Finally, Flynn failed to register as a foreign agent for his work on behalf of a Turkish company whose founder has close ties to Turkey's government.

When taken individually, each of these three examples demonstrates highly derogatory information about Mr. Flynn that merited further investigation. When taken together, it is exceedingly clear that Mr. Flynn's re-investigation and adjudication should have uncovered his ineligibility to serve as the President's senior advisor on national security issues.

Unfortunately, public trust is undermined by such revelations, and a number of questions need to be answered before our confidence in the security clearance process can be restored. Therefore, we request the following information, along with any supporting documentation:

1. When was Mr. Flynn's most recent Single Scope Background Re-Investigation conducted?
2. Were the results of Mr. Flynn's most recent background investigation ever provided to the FBI for their review?
3. Did the Department of Defense, or its designee, conduct a background investigation for Mr. Flynn following the 2016 election and prior to him working at the White House?
4. Was Mr. Flynn subject to a Counterintelligence Scope Polygraph prior to taking his position as National Security Advisor?
5. Was Mr. Flynn required to undergo a polygraph as part of his most recent security clearance re-investigation or for any other reason?
6. Does the Department of Defense maintain records of Mr. Flynn's foreign travel prior to him working at the White House?
7. Was the Department of Defense provided access to or made aware of Mr. Flynn's client list, invoices, payments, and taxes filed by the Flynn Intel Group in the course of his latest re-investigation?
8. Is Mr. Flynn's security clearance still under suspension by the Department of Defense?
9. Has the Department of Defense taken any actions to revoke Mr. Flynn's security clearance?

We request you provide this information no later than April 14, 2017 and look forward to your prompt response to this inquiry.

The Honorable James Mattis
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Sincerely,



Jon Tester



Claire McCaskill



Tom Carper



Margaret Wood Hassan

cc: Ron Johnson
Chairman