

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

### Opening Statement Ranking Member Elijah E. Cummings Hearing on “Improving Security and Efficiency at OPM and NBIB” February 2, 2017

Today’s hearing is on the process our nation uses to conduct background checks for federal employees who are seeking security clearances so they can have access to our most closely guarded secrets. This hearing could not come at a more critical time.

Yesterday, I sent a letter requesting a Pentagon investigation of the President’s National Security Advisor, Lt. General Michael Flynn, for his potentially serious violation of the U.S. Constitution. I was joined by the Ranking Members of the Committees on Armed Services, Judiciary, Homeland Security, Foreign Affairs, and Intelligence.

General Flynn has admitted that he received payment to appear at a gala in December of 2015 hosted by Russia Today (RT), that country’s state-sponsored propaganda outlet. During that event, General Flynn dined with Russian President Vladimir Putin.

As our letter explains, the Department of Defense warns its retired officers that they may not accept any direct or indirect payments from foreign governments without congressional approval because they continue to hold offices of trust under the Emoluments Clause of the Constitution.

On January 6, intelligence officials issued their report detailing Russia’s attack on the United States to undermine our election. This report concluded with “high confidence” that the goal was to “undermine public faith in the US democratic process.”

This report described RT as the “Kremlin’s principal international propaganda outlet.” It explained that the “Kremlin staffs RT and closely supervises RT’s coverage, recruiting people who can convey Russian strategic messaging because of their ideological beliefs.”

It is extremely concerning that General Flynn chose to accept payment for appearing at an event hosted by the propaganda arm of the Russian government at the same time that country was engaged in an attack against this nation in an effort to undermine our election.

But it is even more concerning that General Flynn, who President Trump has now chosen to be his National Security Advisor, may have violated the Constitution in the process.

We do not know how much General Flynn was paid for this event and for his dinner with Vladimir Putin—whether it was \$5,000, \$50,000, or more.

We do not know whether he received payments from Russian or other foreign sources on separate occasions, or whether he sought approval from the Pentagon or Congress to accept these payments.

Related to today's hearing, we do not know what effect this potentially serious violation of the Constitution should, or will, have on General Flynn's security clearance.

Security clearance holders, and those applying for security clearances, are required to report their contacts with foreign officials. We do not know what, if anything, General Flynn reported about his contacts with officials from Russia or other countries. We do not know if he reported this one payment or any other payments he may have received. These are the questions that need to be answered.

We also have questions about individuals who may seek to join the Administration and obtain access to classified information while they are currently under investigation. For example, there have been reports that President Trump's former campaign chairman, Paul Manafort, has been advising the White House recently, while at the same time he is reportedly under FBI investigation for his dealings with Russian interests.

We want to know how security clearances are handled if existing clearance holders or new applicants are under criminal investigation. Does the FBI allow these individuals to continue to access classified information, or is there a process to place a hold on someone's clearance or application until the investigation resolves these questions?

Finally, President Trump claims that Democrats only became interested in Russian hacking for political reasons and that, for example, we had no interest in the cyber attacks against OPM. He stated, "They didn't make a big deal out of that." The President is 100% wrong.

I and other Democrats worked aggressively on this Committee's investigation of the attacks on OPM. We held multiple hearings—including one I requested—we conducted extensive interviews and briefings with key witnesses, we reviewed more than 10,000 pages of documents, and we issued two reports from majority and minority staff.

I called for expanding our investigation to other agencies, including the State Department and the Postal Service, which were both attacked. I called for investigating the cyber attacks on financial institutions like JPMorgan Chase. I called for investigating the cyber attack on the nation's biggest for-profit hospital chain, Community Health Systems, which had the largest hacking-related health information breach ever reported. And I called for investigating the cyber attacks on retail companies, including Home Depot, Target, and K-mart.

So the President's claim that we are focusing on Russian hacking for political reasons is ludicrous. Our intelligence agencies have warned us that if we do not act now, our adversaries—including Russia—are determined to strike again. We need to get answers to these questions immediately, and I thank all of the witnesses for being here to help us in this effort.