

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

<https://oversight.house.gov>

January 30, 2025

Mr. David Warrington
Counsel to the President
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

Dear Mr. Warrington:

I write to express my grave concern regarding President Trump's recent action that would endanger our national security by allowing the White House Counsel to grant Top Secret/Sensitive Compartmented Information (TS/SCI) security clearances to individuals without appropriate vetting. This extraordinary and unprecedented action sidesteps law enforcement, the Department of Defense, and the Intelligence Community without regard to insider threats or other national security threats.¹ Inappropriate and unauthorized access to or disclosure of TS/SCI "could reasonably be expected to cause exceptionally grave damage to national security."² Forgoing background checks poses a major risk to our national security and throws into doubt the Executive Office of the President's (EOP) ability to protect the safety and security of our country and the American people.

Unfortunately, the Trump Administration's disdain for the security clearance process is nothing new. During his first Administration, President Trump reversed decisions on several security clearance adjudications. Public reporting found that he personally overruled concerns the CIA expressed about granting his son-in-law, Jared Kushner, a security clearance. President Trump's actions also contradicted previous statements claiming that as President, he did not have a role in the security clearance process.³ Furthermore, in 2019, a whistleblower told the Committee on Oversight and Reform that the Trump Administration gave clearances to 25 individuals despite "concerns about ties to foreign influence, conflicts of interest, questionable or criminal conduct, financial problems, or drug abuse."⁴

¹ The White House, *Memorandum to Resolve the Backlog of Security Clearances for Executive Office of the President Personnel* (Jan. 20, 2025) (online at www.whitehouse.gov/presidential-actions/2025/01/memorandum-to-resolve-the-backlog-of-security-clearances-for-executive-office-of-the-president-personnel/).

² 18 C.F.R. § 3a.11.

³ *Trump Ordered Officials to Give Jared Kushner a Security Clearance*, The New York Times (Feb. 28, 2019) (online at www.nytimes.com/2019/02/28/us/politics/jared-kushner-security-clearance.html).

⁴ *White House Whistleblower Says 25 Security Clearance Denials were Reversed During Trump Administration*, Washington Post (Apr. 1, 2019) (online at www.washingtonpost.com/powerpost/white-house-whistleblower-says-security-clearance-denials-were-reversed-during-trump-administration/2019/04/01/9f28334e-

The security clearance process is critical to ensuring that any individual with access to our nation's most sensitive information are suitable and can also prevent politically embarrassing situations for the White House. During his first term, President Trump fired his first national security advisor—General Michael Flynn (ret.)—after news reports revealed that he had lied to then-Vice President Mike Pence about conversations Flynn had with the Russian Ambassador.⁵ Then-Oversight Chairman Elijah E. Cummings revealed that Flynn had also lied on his security clearance renewal forms about receiving trips from Russian firms and forcing Flynn to invoke his fifth amendment right against self-incrimination to avoid disclosing further wrongdoing.⁶

In another instance, President Trump had to fire a personal assistant because he failed to gain a security clearance because of his financial troubles and gambling habit that exposed him to blackmail and coercion.⁷ The White House only discovered the issue when then-Chief of Staff John Kelly implemented a more stringent security clearance policy after discovering “a couple of spreadsheets worth of people” working at the White House on interim clearances and at least 35 people who inappropriately held top secret clearances.⁸

Congress already passed the Intelligence Reform and Terrorism Prevention Act which created an accelerated process for major party candidates to begin the clearance process prior to an election and the Presidential Transition Act which allows for expedited reviews following a general election.⁹ However, the Trump-Vance Transition Team's decision to forego requiring nominees to submit to FBI background checks thus delaying further investigations.¹⁰ A backlog is not a license to compromise our national security now that the Trump Administration is in place. Furthermore, the security clearance process already has provisions for interim clearances while the investigation and adjudication continue.¹¹

542c-11e9-814f-e2f46684196e_story.html)

⁵ *Trump: I Fired Flynn Because of What He Told Pence*, CNBC (Feb. 17, 2017) (online at www.cnn.com/2017/02/16/trump-no-i-didnt-tell-flynn-to-talk-about-sanctions-with-russia.html).

⁶ *Ex-National Security Advisor 'Lied' on Security Clearance*, BBC (May 23, 2017) (online at www.bbc.com/news/world-us-canada-40004300).

⁷ *Trump's Personal Assistant Fired Over Security Issue*, Wall Street Journal (Mar. 13, 2018) (online at www.wsj.com/articles/trumps-personal-assistant-is-fired-1520945928).

⁸ *Id.*

⁹ Congressional Research Service, *Presidential Transitions: Security Clearance Background Investigations* (Dec. 3, 2024) (IF12836) (online at <https://crsreports.congress.gov/product/pdf/IF/IF12836>).

¹⁰ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Mr. Howard Lutnick and Ms. Linda McMahon, Co-Chairs, Trump-Vance Transition (Dec. 13, 2024) (online at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2024-12-13.Raskin%20to%20Lutnick%20McMahon-Trump-Vance%20Transition%20re%20Background%20Checks.pdf>).

¹¹ Defense Counterintelligence and Security Agency, *Interim Clearances* (online at www.dcsa.mil/Industrial-Security/Entity-Vetting-Facility-Clearances-FOCI/Facility-Clearances/Interim-Clearances/) (accessed Jan. 22, 2025).

The Committee on Oversight and Government Reform has a long history of holding the Trump Administration accountable for operational security and especially security clearances. In response to the aforementioned flouting of security clearance protocols in President Trump's first term, I cosponsored the bipartisan Securely Expediting Clearances Through Reporting Transparency (SECRET) Act of 2018 which, among other improvements to the transparency of the clearance process, required that EOP report on adjudicating security clearances for the President's staff.¹² The Trump Administration then failed to comply and report on the security clearance process.¹³ The Committee performed a full investigation into the Trump Administration's disregard for security clearances, which the White House Counsel stonewalled at every opportunity.¹⁴ I can only hope that as White House Counsel, you will prove more concerned for our nation's security than your predecessor.

To continue the Committee Democrats' ongoing oversight work in service of protecting the United States' national security secrets I request the following documents by February 12th:

1. The "list" of EOP employees that are to immediately receive TS/SCI clearance as a result of this memorandum;
2. All records, documents, and communications related to background investigations for all individuals covered under the Memorandum to Resolve the Backlog of Security Clearances for Executive Office of the President Personnel; and
3. Any records or documents of current or prospective EOP employees with foreign contacts, conflicts of interest, history of financial impropriety, or have attempted the violent overthrow of the US government.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this matter.

¹² Pub. L. No. 115-173 (2018).

¹³ Committee on Oversight and Reform, *Press Release: Subcommittee Chairs Demand Testimony From White House Official Who Failed to Comply with Security Clearance Law* (Oct. 31, 2019) (online at <https://oversightdemocrats.house.gov/news/press-releases/subcommittee-chairs-demand-testimony-from-white-house-official-who-failed-to>).

¹⁴ Committee on Oversight and Reform, *Press Release: White House Orders Former Security Director to Defy Oversight Subpoena* (Apr. 23, 2019) (online at <https://oversightdemocrats.house.gov/news/press-releases/white-house-orders-former-security-director-to-defy-oversight-committee-subpoena>).

Mr. David Warrington
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Sincerely,



Gerald E. Connolly
Ranking Member

cc: The Honorable James Comer, Chairman