

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 5, 2017

General John F. Kelly
Chief of Staff
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

The Honorable Daniel Coats
Director of National Intelligence
Washington, D.C. 20511

Daniel E. Payne
Director
Defense Security Services
Department of Defense
27130 Telegraph Rd.
Quantico, VA 22134

Charles S. Phalen, Jr.
Director
National Background Investigations Bureau
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Dear General Kelly, Director Coats, Director Payne, and Director Phalen:

I am writing to request information about alarming reports that people with grave criminal histories—including “murderers,” “rapists,” and “pedophiles”—are currently being given access to sensitive classified information through the granting of interim security clearances.¹

On September 6, 2017, Director Payne spoke at the Intelligence and National Security Summit, which was hosted by the Armed Forces Communications and Electronics Association and the Intelligence and National Security Alliance. During this event, Director Payne described the process that is currently being used to grant interim security clearances. He stated:

In DOD, interim clearances are a necessity. We have to do interim clearances. If we don't do interim clearances, nothing gets done. But, that being said, that's the point when we have the most risk—when we have our information at most risk. So, we are taking individuals and on the basis of an FBI check and on the basis of a credit check, we are giving them access to classified information, at both the secret and top secret level and sometimes there for a very, very long period of time.²

¹ *Killers, Rapists Getting Interim Security Clearances Due to Backlog* (Sept. 12, 2017) (online at www.federaltimes.com/management/hr/2017/09/12/killers-rapists-getting-interim-security-clearances-due-to-backlog/).

² *Intelligence and National Security Summit: Panel on Transforming Security for Government and*

Director Payne continued:

This is really dangerous. And this is why we have to do something—why we have to fix this process, why we have to drive these timelines down—because we cannot have those people in access—with only the minimal, bare minimum amount of investigation—with access to our government’s most sensitive secrets. We can’t do that. That is extremely dangerous.³

Director Payne concluded:

And on a weekly basis, I got murderers who have access to classified information. I have murderers. I have rapists. I have pedophiles. I have people involved in child porn. I have all these things at the interim clearance level and I’m pulling their clearances on a weekly basis. This is the risk we are taking. We are giving those people access to classified information with only a minimum amount of investigation. We have to do something about this. That is why the timelines on bringing down the timelines on the investigation process are so vital, so important, to our national security.⁴

Obviously, it is completely unacceptable to be granting access to classified information to individuals who pose such grave national security risks, and it is vital that we put our national security first when making decisions about security clearances.

For these reasons, I ask that you provide the following information and documents in the possession or control of your respective office for the year 2017:

- (1) a list of all individuals who have been granted interim security clearances by your office or by another agency who have committed or been convicted of criminal acts, or are a serious national security risk. For each of those individuals, please provide (a) the individual’s employing office, department, agency and/or company (b) the individual’s title; (c) the date that the individual’s interim security clearances was granted; (d) the current status of that individual’s security clearance; and (e) the date that the individual’s security clearance was revoked;
- (2) for those individuals whose interim security clearances have been revoked, please provide all documents relating or referring to the security clearance application, approval, and revocation; and
- (3) any plan associated with the Defense Security Service taking on a greater role in processing security clearances across the federal government.

Industry (Sept. 6, 2017) (online at www.youtube.com/watch?v=uqT_Zm3PzhM).

³ *Id.*

⁴ *Id.*

General Kelly, Director Coats, Director Daniel E. Payne, Director Charles S. Phalen, Jr.
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Because of the urgency of this matter, I ask that you respond to this request by October 10, 2017. If you have any questions, please contact Nimit Dhir of the Democratic Committee staff at (202) 225-5051.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member

cc: The Honorable Trey Gowdy, Chairman