

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>

November 15, 2016

Reince Priebus
Chief of Staff-Designate
President-Elect Donald Trump
1717 Pennsylvania Ave., NW
Washington, DC 20006

Dear Mr. Priebus:

I am writing to you, as the designated Chief of Staff to President-elect Donald Trump, to request information about recent press reports indicating that Mr. Trump may seek to obtain security clearances for his children to obtain access to classified national security information.

Yesterday, *CBS News* reported that “President-elect Donald Trump is potentially seeking top secret security clearances for his children,” and the “Trump team has asked the White House to explore the possibility of getting his children the top secret security clearances.”¹ Today, *USA Today* reported that Mr. Trump “did not request or begin paperwork to have his children gain top-level security clearance” and that it was not something he was expecting “right now.”²

If both of these reports are accurate, it appears that preliminary discussions about this proposal have begun, but no security clearance applications have been filed to date.

According to media accounts, last week Mr. Trump named his children Ivanka, Eric, and Donald Jr., in addition to his son-in-law Jared Kushner, to his transition team. Mr. Trump has indicated that his children will have no position in his administration, but instead will be running his financial empire from New York.

As you may know, Executive Order 12968 provides that security clearances may not be granted to any individuals unless they have demonstrated an official “need-to-know” classified

¹ *Trump Team Seeks Top Secret Security Clearances for Trump’s Children*, CBS News (Nov. 14, 2016) (online at www.cbsnews.com/news/trump-team-seeks-top-secret-security-clearances-for-trump-children/).

² *Trump Didn’t Request Top Secret Clearance for his Kids: Official*, USA Today (Nov. 15, 2016) (online at www.usatoday.com/story/news/politics/onpolitics/2016/11/15/president-electdonald-trump-security-clearance-children/93856438/).

national security information.³ Even after security clearances are granted, access to classified information is limited to the extent that it is required to fulfill designated duties and responsibilities.

Congress has passed legislation to provide for a new president's transition team members to hold security clearances during the transition, but it is too late to utilize that process, which requires background check applications to be submitted before the election. That legislation also provides for an expedited security clearance process during the transition for "candidates for high level national security positions," but that does not appear to be the case with Mr. Trump's children.⁴

There is a process by which a position within the executive branch may be designated as a national security position if its responsibilities and assignments require eligibility for access to classified information.⁵ It does not appear that Mr. Trump intends to hire his children into such positions. If he does, however, that would raise significant concerns given their direct involvement in his business interests.

Finally, there are examples of non-federal employees who obtain security clearances, but they must still demonstrate an official need-to-know the classified information, such as individuals who serve on the President's Intelligence Advisory Board and its component Intelligence Oversight Board.⁶

I request an explanation for this highly unusual request from Mr. Trump to explore the possibility of his children obtaining access to classified national security information, as well as the proposed scope of their official "need-to-know" this information. Please also provide the proposed scope of classified information that would be provided to them, the level of clearance that would be requested for each individual, and the proposed duration of these security clearances. Finally, please provide a detailed explanation of how conflicts of interest would be avoided with respect to their duties running Mr. Trump's corporate entities.

I request that you respond to this inquiry as soon as possible, but no later than November 23, 2016. I request that you provide a copy of your response to him as well.

³ Executive Order 12968, *Sec. 1.2(a)—Access to Classified Information* (1995).

⁴ *See, e.g.*, Intelligence Reform and Terrorism Prevention Act of 2004.

⁵ 5 C.F.R. 1400.101.

⁶ *President's Intelligence Advisory Board and Intelligence Oversight Board*, The White House (online at www.whitehouse.gov/administration/eop/piab) (accessed Nov. 15, 2016).

Mr. Reince Priebus
Page 3

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elijah E. Cummings". The signature is stylized and cursive, with a large, sweeping flourish at the end.

Elijah E. Cummings
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman