

Congress of the United States
Washington, DC 20515

June 5, 2018

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

Dear General Kelly:

We are deeply concerned by news reports that Senior White House Advisers Jared Kushner and Ivanka Trump were granted “permanent” top secret security clearances on the same day, May 1, after a lengthy review process.¹² We previously expressed concern to you that omissions from their SF-86 forms and their failure to address questions about foreign contacts appeared to be delinquencies that would trigger the denial of security clearances. We request an explanation of how such delinquencies did not stand in the way of top secret clearances.

This spring’s passage of the Securely Expediting Clearances Through Reporting Transparency (SECRET) Act³ requires the submission of a report from the White House to Congress. According to the law, the report must explain “the process for conducting and adjudicating security clearance investigations for personnel of the Executive Office of the President.” We request that, as part of this report, the White House clarify how Jared Kushner and Ivanka Trump’s profound lapses did not impede the granting of security clearances.

Last year we raised concerns to the FBI and the White House about Jared Kushner’s security clearance.⁴⁵ We noted that Mr. Kushner “failed to disclose key meetings with foreign government officials” on his original Standard Form-86 (SF-86) when he filed it to obtain a

¹ Matt Apuzzo, “Jared Kushner Gets Security Clearance, Ending Swirl of Questions Over Delay,” *New York Times*, May 23, 2018 <https://www.nytimes.com/2018/05/23/us/politics/jared-kushner-security-clearance.html>

² Philip Rucker et. al., “Jared Kushner Receives Permanent Security Clearance, Ending Uncertainty Over His Status,” *Washington Post*, May 23, 2018 https://www.washingtonpost.com/politics/jared-kushner-receives-permanent-security-clearance-ending-uncertainty-over-his-status/2018/05/23/b4a57fae-5eb6-11e8-9ee3-49d6d4814c4c_story.html

³ Public Law 115-173 <https://www.congress.gov/bill/115th-congress/house-bill/3210/text>

⁴ Reps. Beyer et. al., Letter to FBI Director James Comey, April 13, 2017 https://beyer.house.gov/uploadedfiles/kushner_letter.pdf

⁵ Reps. Beyer et. al., Letter to Counsel to the President Don McGahn, June 1, 2017 https://beyer.house.gov/uploadedfiles/beyer_letter_to_white_house_re_kushner_clearance_6.1.17.pdf

security clearance. Omitted meetings included an in-person discussion with Russian Ambassador Sergey Kislyak and President Trump's National Security Adviser Michael Flynn about a secret backchannel communication with the Kremlin.⁶ Gen. Flynn later pled guilty to lying to the FBI, while Kushner updated his SF-86 repeatedly without answering our questions about his foreign contacts.⁷ Nevertheless, he was apparently granted renewed access to top secret US intelligence.

Ivanka Trump has likewise failed to answer questions about meetings and foreign contacts which we asked in July of last year.⁸ Since we first raised concerns about possible discrepancies on her SF-86, news reports emerged that a federal investigation into possible real estate fraud was dropped under questionable circumstances.⁹ Additionally, both Ivanka Trump and Jared Kushner were both fined by the Office of Government Ethics for failing to file financial disclosures on time, after their initial forms contained large discrepancies about the value of their jointly-held assets.¹⁰ Both also were revealed to have avoided public scrutiny and compliance with recordkeeping laws by conducting official business using a private email server.¹¹

Questions about Jared Kushner and Ivanka Trump's foreign contacts and conflicts of interest remain unanswered. They repeatedly failed to file accurate disclosures of foreign contacts and ethics paperwork. Given this terrible track record, we believe it is strongly in the public interest that the White House fully explain the process which resulted in their being granted "permanent" security clearances. We have previously been informed by the FBI that such decisions are made by the White House.¹² The process remains extremely unclear. Were final adjudications made entirely by career employees, without influence, coercion, or direction from political staff? Did President Trump intervene to get his daughter and son-in-law access to top secret information?

Earlier this month Congress unanimously passed, and President Trump signed, the SECRET Act (Public Law 115-173). Section 4 of that Act states that:

"Not later than 90 days after the date of enactment of this Act, the Director of the Office of Administration of the Executive Office of the President, in coordination with the

⁶ Ellen Nakashima et. al., "Russian Ambassador Told Moscow That Kushner Wanted Secret Communications Channel With Kremlin," *Washington Post*, May 26, 2017 https://www.washingtonpost.com/world/national-security/russian-ambassador-told-moscow-that-kushner-wanted-secret-communications-channel-with-kremlin/2017/05/26/520a14b4-422d-11e7-9869-bac8b446820a_story.html

⁷ Mark Landler and Maggie Haberman, "With Glare on Trump Children, Political Gets Personal for President," *New York Times*, July 12, 2017 <https://www.nytimes.com/2017/07/12/us/politics/trump-says-son-is-innocent-amid-reports-of-russia-meeting.html>

⁸ Reps. Beyer et. al., Letter to Acting FBI Director Andrew McCabe, July 19, 2017 [https://beyer.house.gov/UploadedFiles/Letter to FBI re Ivanka SF86.pdf](https://beyer.house.gov/UploadedFiles/Letter%20to%20FBI%20re%20Ivanka%20SF86.pdf)

⁹ Jesse Eisinger et. al., "Ivanka and Donald Trump Jr. Were Close to Being Charged With Felony Fraud," *Pro Publica*, October 4, 2017 <https://www.propublica.org/article/ivanka-donald-trump-jr-close-to-being-charged-felony-fraud>

¹⁰ Anita Kumar and Ben Wieder, "Jared Kushner Fined Again For Late Ethics Form, Ivanka Trump Fined Too," *McClatchy*, October 3, 2017 <http://www.mcclatchydc.com/news/politics-government/white-house/article176849096.html>

¹¹ Matt Apuzzo and Maggie Haberman, "At Least 6 White House Advisers Used Private Email Accounts," *New York Times*, September 25, 2017 <https://www.nytimes.com/2017/09/25/us/politics/private-email-trump-kushner-bannon.html>

¹² Letter from FBI Office of Congressional Affairs to Reps. Jerrold Nadler et. al., May 11, 2017 [https://beyer.house.gov/UploadedFiles/FBI Response re April Jared Kushner Clearance Letter.pdf](https://beyer.house.gov/UploadedFiles/FBI%20Response%20re%20April%20Jared%20Kushner%20Clearance%20Letter.pdf)

Director [of National Intelligence] and the Director of the Office [of Personnel Management], shall submit to Congress a report that explains the process for conducting and adjudicating security clearance investigations for personnel of the Executive Office of the President, including personnel of the White House Office.”

We ask that you also answer the above questions and provide as much information as you are safely able to share about the decision to grant security clearances to Jared Kushner and Ivanka Trump when the White House submits this report to Congress.

We thank you for your attention in this matter.

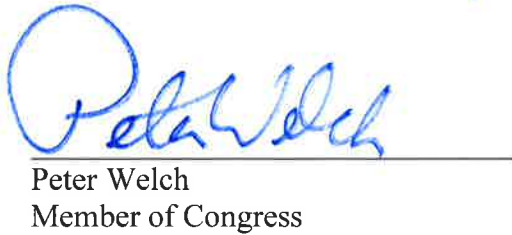
Sincerely,



Donald S. Beyer Jr.
Member of Congress



Jerrold Nadler
Member of Congress



Peter Welch
Member of Congress



Jamie Raskin
Member of Congress



Ted W. Lieu
Member of Congress