

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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December 18, 2017

The Honorable Mike Pence
Vice President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Vice President:

I am writing to request that you authorize the Federal Bureau of Investigation (FBI) to produce documents relating to the security clearance application submitted by, or on behalf of, Michael Flynn, Jr., the son of President Donald Trump's former National Security Advisor, Lieutenant General Michael Flynn, under your leadership of the Presidential Transition Team.

On November 16, 2016, I sent a letter requesting that you, as the head of the Transition Team, provide information about all individuals for whom the Transition Team requested security clearances or to whom the Transition Team proposed giving classified information.¹ Two days later, I wrote to you again, expressing my concerns about General Flynn's "apparent conflicts of interests," and noting that Flynn Intel Group—and General Flynn himself—appeared to have conducted work on behalf of foreign governments.² Your staff acknowledged receipt of both of my letters, but you never provided a response to either.

On November 16, 2017, I wrote to the Director of the FBI to request all documents in the possession or control of the FBI relating to the "foreign contacts" sections of Michael Flynn, Jr.'s security clearance application.³ As you know, this is the section of the application in which applicants must disclose their foreign contacts and payments, and the section on which General Flynn omitted multiple entries.

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Vice President-Elect Mike Pence (Nov. 16, 2016) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-16.EEC%20to%20Pence_0.pdf).

² Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Vice President-Elect Mike Pence (Nov. 18, 2016) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-18.EEC%20to%20Pence.pdf>).

³ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Director Christopher Wray, Federal Bureau of Investigation (Nov. 16, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-11-15.EEC%20to%20FBI%20Director%20Wray%20Re.%20Flynn.pdf>).

On December 5, 2017, the FBI responded to my request in a letter that appears to acknowledge that it is in possession of a background investigation application from Michael Flynn, Jr., but that “[a]ny decision to release materials” relating to this inquiry “would be made in consultation with the relevant agency(ies).”⁴

Since Michael Flynn, Jr. participated only during the transition, and was never hired by the White House, I am now writing to request that you—in your capacity as head of the Transition Team—authorize the FBI to release the materials I requested, including:

1. information provided by Michael Flynn, Jr. in response to all questions in Sections 19, 20A, 20B, and 20C of any security clearance applications he submitted over the past ten years;
2. all investigative and adjudicative files concerning or relating to Guideline B (“Foreign Influence”) or Guideline C (“Foreign Preference”) associated with Michael Flynn, Jr.’s security clearance;
3. all documents and information provided by Michael Flynn, Jr. and his associates relating to Michael Flynn, Jr.’s contacts with foreign nationals; and
4. all documents and information provided by Michael Flynn, Jr. and his associates relating to Michael Flynn, Jr.’s receipt of funds from any foreign source.

Finally, as I made clear in my initial letter to the FBI, I am not requesting any investigative documents the FBI may have created as part of any criminal investigation being conducted by the Department of Justice or the Special Counsel. Instead, I am seeking only those original source documents that the FBI processed as part of its role in the normal conduct of background checks and adjudicatory functions for security clearance applicants, over which the Oversight Committee has jurisdiction.

Since there has been some question in the past about whether you personally have received my letters, I would appreciate the courtesy of a reply. I request that you authorize the FBI’s release of the documents requested above by December 22, 2017. If you believe the decision to authorize the FBI to produce this information should be made by someone else, I request that you please inform me who that individual is.

⁴ Letter from Office of Congressional Affairs, Federal Bureau of Investigation, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Dec. 5, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/FBI%20to%20EEC%2012-05-17.pdf>).

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Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Elijah E. Cummings". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Elijah E. Cummings
Ranking Member

cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform