



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
WASHINGTON, D. C. 20503

October 24, 2019

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

The Honorable Stephen F. Lynch
Chairman
Subcommittee on National Security
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairmen Connolly and Lynch:

This letter is in response to your Subcommittees' joint letter dated October 16, 2019, requesting the testimony of Ms. Monica Block, Acting Director of the Office of Administration ("OA"), regarding the status of a report to Congress concerning the process for conducting and adjudicating security clearance investigations for personnel of the Executive Office of the President ("EOP") pursuant to the Securely Expediting Clearances Through Reporting Transparency ("SECRET Act" or "Act") Act of 2018 (P.L. 115-173).

Pursuant to Executive Order ("EO") 12028 (as amended by EO 12122) and the statutory authority upon which that Order was issued, the President is the head of OA, with the day-to-day responsibilities of OA delegated to the Director. *Accord Citizens for Responsibility & Ethics in Wash. v. Office of Admin.*, 559 F. Supp. 2d 9, 25-29 (D.D.C. 2008) (discussing EOs 12028 and 12122 and concluding that OA is an advise and assist component to the President which does not exercise substantial independent authority from the President and is therefore subject to supervision by the President and his staff). Though it is not explicitly enumerated in EO 12028, the review and adjudication of security clearances is one of the responsibilities of OA, falling within both "personnel management services" and "other administrative support or service which will achieve financial savings and increase efficiency through centralization of the supporting service." EO 12028, § 3(b)(1), (6). OA executes this security mission through its Personnel Security Division ("PSD"). While the Director of OA maintains responsibility to create the framework that ensures the PSD is properly functioning and efficiently executing its mission, the Director of OA does not have any role in the review or the adjudication of any particular security clearance. Rather, this authority is delegated to the Chief Security Officer ("CSO") of OA. As

such, Ms. Block, in her capacity as Acting Director of OA, has no function or advisory role in determining whether a particular person should or should not have a clearance.

Moreover, the White House has provided to Congress the information requested under section 4 of the SECRET Act. On February 16, 2018, the White House Chief of Staff issued a memorandum discussing the security clearance process for employees within EOP; and on April, 11, 2018, the White House Counsel's Office met with the House Committee on Oversight and Reform and produced a copy of the February 16, 2018 memorandum, as well as a briefing on the EOP's security clearance process. These actions occurred following the passage of the SECRET Act in the House (where the House version lacked any required disclosure by OA) and the final committee report in the Senate, report no. 115-185, which was reported to the floor on November 27, 2017. This version of the bill, which was unchanged from what was ultimately signed into law on May 22, 2018, required compliance by the EOP and the White House concerning security clearance procedures. The White House readily complied with that requirement in issuing the February 16, 2018 memorandum. That memorandum certainly complied with the legislative intent of your Committee's version of the bill. In fact, Representative Connolly, as subcommittee Ranking Member, participated in the April 11, 2018 briefing which summarized the February 16, 2018 memorandum and provided answers to the members' questions. Additionally, just last month, Ms. Block responded to an identical request for a status report from the Senate Committee on Homeland Security and Governmental Affairs that similarly described the White House's fulfillment of its obligations under the SECRET Act. *See* Letter from Monica J. Block, Acting Director, Office of Administration, to Hon. Ron Johnson, Chairman, Comm. on Homeland Security and Gov't Affairs (Sept. 13, 2019). The production of the February 16, 2018 memorandum and accompanying briefing by the White House Counsel's Office satisfied any reporting obligations that may exist under section 4 of the SECRET Act, and the Committee has not articulated any reason why the memorandum's production and accompanying briefing are insufficient for satisfying the needs of the Committee.

It is also my understanding that the White House has been working hard over the course of the last year to accommodate the full House Committee on Oversight and Reform's investigation into the security clearance process for personnel of the EOP. As part of that accommodation, the White House has provided over 500 pages of confidential documents concerning the EOP's security clearance process to the Committee for *in camera* review on March 11, 2019, and a briefing on the security clearance process and work of the PSD by the current CSO, Mr. Crede Bailey, on March 20, 2019. The White House also facilitated transcribed interviews – which collectively lasted nearly twenty hours – with two former OA officials responsible for overseeing the security clearance process, Mr. Cory Louie and Mr. Carl Kline on May 1 and June 26, 2019, respectively; in addition to a subsequent transcribed interview with the CSO, Mr. Crede Bailey, on June 28, 2019.

Considering the exhaustive amount of information the White House has provided to Congress since the passage of the SECRET Act in the form of documentation and testimony, OA considers the White House to have fully satisfied its reporting obligations under section 4 of the Act. Accordingly, Ms. Block respectfully declines your request to testify at this time since there is neither any further action required from OA under the SECRET Act, nor can Ms. Block provide

your subcommittee with any more information on the security clearance process in the EOP than the full Committee already has received. Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Gineen M. Bresso". The signature is written in a cursive, flowing style.

Gineen M. Bresso
General Counsel

cc:

The Honorable Mark Meadows, Ranking Member
Subcommittee on Government Operations

The Honorable Jody Hice, Ranking Member
Subcommittee on National Security