

**Congress of the United States**  
**Washington, DC 20515**

December 21, 2016

James Comey  
Director, Federal Bureau of Investigation  
J. Edgar Hoover Bldg, 935 Pennsylvania Ave, NW  
Washington, D.C. 20535-0001

Dear Director Comey,

As January 20 approaches, both transition teams are preparing for a seamless change in administrations. This process includes the Federal Bureau of Investigation's (FBI) issuance of security clearances to members of each transition team. As this transition continues, there is an opportunity to look back on past transitions to ensure proper national security protections were taken to keep this nation safe. Recent reports indicate the FBI denied, or was going to deny, Ben Rhodes an interim security clearance during President Obama's transition. This previously unknown fact is extremely troubling and calls into question the integrity of the FBI's protocols and the wisdom of Mr. Rhodes' continued government employment.

As you know, the Intelligence Reform and Terrorism Prevention Act of 2004, which included the enactment of some of the 9/11 Commission's recommendations, encourages the prompt placement of national security personnel in a new administration. This Act allows each major party candidate to request security clearances for some transition team members before the election. While seeking to minimize disruptions to our nation's security, with this law, Congress upheld existing protocol regarding the extensive and full vetting of all relevant personnel. Particularly with outstanding issues about former Secretary of State Hillary Clinton and her staff's handling of classified information.

While easing the Presidential transition is important, of utmost importance is maintaining security. A clearance investigation includes an examination of the following factors that may compromise an applicant's decision making with regard to classified information:

- Criminal record
- Illegal drug use or activity
- Psychological or emotional health instability
- Excessive alcohol use
- Professional misconduct
- Lack of financial self-control
- Questionable foreign ties or relationships

The SF-86 goes back several years to ensure that applicants are not plants of foreign intelligence services, but also that applicants have made good decisions to indicate they can be trusted with our government's highest secrets.

For the FBI to evidently find something in Mr. Rhodes' background that led it to potentially deny him a security clearance only to have Mr. Rhodes work at the highest levels of the Obama

administration shakes the entire clearance process to the core. Mr. Rhodes has worked in the White House for the past seven years and is the architect of the Iran deal “echo chamber,” as he recently described himself. We can only hope the FBI was ultimately satisfied with its ability to investigate Mr. Rhodes and felt that it had sufficient freedom to decide whether or not to grant Mr. Rhodes a security clearance.

We understand why information is classified and why the FBI must thoroughly investigate anyone wishing to access this information. It is not just protocol—it is truly a matter of life and death. As such, your answers to the following information by January 25 would be appreciated. If some information must remain classified, please also transmit an unclassified summary.

1. Does Mr. Rhodes currently hold a security clearance?
2. Did the FBI grant Mr. Rhodes an interim security clearance during the presidential transition period?
3. What issues led to the FBI’s inclination to deny Mr. Rhodes a security clearance during the transition period? At this point, the American people can only speculate it was due to at least one of the seven reasons listed above.
4. Was the FBI given sufficient time and freedom to investigate Mr. Rhodes for a clearance?
5. Did the Obama administration or Obama campaign ever pressure or exert political influence to encourage the FBI to grant Mr. Rhodes a clearance?
6. Given the large size of transition teams—often in the hundreds—did the FBI deny interim security clearances to other individuals on the Obama transition team? If yes, were these denials ultimately resolved or were these individuals asked to not continue working for the Obama administration? If no, why was Mr. Rhodes in this unusual situation and was the FBI’s initial hesitation in granting his clearance later reversed?

We trust the FBI is conducting security clearance investigations with the utmost seriousness and attention to detail.

Most sincerely,

  
Trent Franks  
Member of Congress

  
Jim Bridenstine  
Member of Congress