

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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December 13, 2024

Mr. Howard Lutnick
Ms. Linda McMahon
Co-Chairs, Trump-Vance Transition
Mar-a-Lago Club
1100 South Ocean Boulevard
Palm Beach, FL 33480

Dear Mr. Lutnick and Ms. McMahon:

I write today to seek clear assurance that the Trump-Vance Transition will require that *all* nominees receive a Federal Bureau of Investigation (FBI) background check before they are considered by the Senate and submit to vetting before they are afforded access to classified information, consistent with standard practice across administrations. Echoing the promises President-Elect Donald Trump made on the campaign trail, a Trump-Vance Transition spokesperson recently asserted that the President-Elect's nominees "reflect his priority to put America First."¹ However, several of the nominees announced so far appear to have significant ties to U.S. adversaries, be vulnerable to blackmail or other forms of coercion, or lack even the most basic credentials needed to effectively protect U.S. interests and national security.

While I understand the Trump-Vance Transition has reached an agreement with the Department of Justice that makes it *possible* for the FBI to conduct background checks, it remains unclear whether the Transition will *require* nominees to submit to them. In fact, reports indicate that some nominees may be *refusing* to undergo FBI background checks before the Trump Administration takes office. Reporting also suggests that despite the new agreement, the Transition may be planning to use private companies—and not the FBI—to conduct background checks on some of its nominees and to give certain appointees security clearances on the first day of the Trump-Vance Administration without any of the standard vetting. Given this muddled record, I urge you to clearly and unequivocally commit to requiring that all nominees undergo FBI background checks and submit to vetting before receiving access to classified information.²

¹ *Trump's Speedy Cabinet Picks Show His 'Priority to Put America First,' Transition Team Says*, Fox News (Nov. 13, 2024) (online at www.foxnews.com/politics/trumps-speedy-cabinet-picks-show-his-priority-put-america-first-transition-team-says).

² *Despite Agreement, Trump Nominees May Seek to Avoid FBI Background Checks*, Semafor (Dec. 4, 2024) (online at www.semafor.com/article/12/03/2024/despite-agreement-trump-nominees-may-seek-to-avoid-fbi-background-checks); *Trump Officials to Receive Immediate Clearances and Easier FBI Vetting*, The Guardian (Nov. 26, 2024) (online at www.theguardian.com/us-news/2024/nov/26/trump-transition-team-fbi-security-clearances-background-checks).

It has been standard practice for the FBI to vet nominees to political positions since the administration of President Dwight D. Eisenhower.³ These checks have been conducted to identify any issues in a person’s background—such as indebtedness, loyalties to foreign governments or entities, or criminal conduct—that could make them unsuitable for senior positions and for the clearances that individuals in such positions need to access classified information.⁴

The many shortcomings of vetting conducted by private firms, instead of the FBI, are plain. As Republican Senator Kevin Cramer has explained, “the FBI does have access to information that probably a private firm wouldn’t have, even a really good savvy one.”⁵ For this reason, in addition to Senator Cramer, many other Republican Senators agree that engaging the FBI to vet nominees is a critical practice to protect America’s national security—and must remain a standard part of the review of individuals nominated to serve in positions that require Senate confirmation. For example, Senator Susan Collins stated, “The FBI should do the background checks, in my judgement.”⁶ Similarly, Senator Lisa Murkowski stated, “It is important to do these background checks, and the FBI has done this,” adding “[i]t’s just been routine that they have been the one that has handled it. You don’t go to an outside private investigator, right?”⁷ Senator Roger Wicker stated, “My preference is that we honor the precedent that has been in place since the Eisenhower administration, and be informed by the agency that does background checks.”⁸ Similarly, Senator Deb Fischer has stated that when individuals seek nominations to government positions, “the understanding is you will have to release your financial information and background checks. And I think that needs to happen.”⁹

By contrast, any nominees vetted by private firms would not be under the same legal compulsion to thoroughly disclose potential conflicts and negative information that would apply to disclosures made to the FBI.¹⁰ Further, firms paid by the Trump-Vance Transition may feel pressured to conceal derogatory information—even from Senators tasked with voting on

³ *No Background Checks, No Problem?*, Politico (Dec. 2, 2024) (online at www.politico.com/news/magazine/2024/12/02/can-washington-do-without-the-background-check-00191931).

⁴ *No, FBI Checks Aren’t Required for Trump’s Nominees. Yes, It’s Concerning.*, Vox (Nov. 28, 2024) (online at www.vox.com/trump-administration/388627/fbi-background-checks-trump-gaetz-hegseth-nominees-senate-congress-transition).

⁵ *GOP Senators Deride Idea of Replacing FBI Background Checks for Trump Nominees*, The Hill (Nov. 19, 2024) (online at <https://thehill.com/homenews/senate/4996945-senate-republicans-reject-private-investigators/>).

⁶ *Id.*

⁷ *Id.*

⁸ *A Top GOP Senator Predicts Trump’s Picks Will Get FBI Background Checks*, CNN (Dec. 2, 2024) (online at www.politico.com/live-updates/2024/12/02/congress/vetting-trumps-picks-00192265).

⁹ *Despite Agreement, Trump Nominees May Seek to Avoid FBI Background Checks*, Semafor (Dec. 4, 2024) (online at www.semafor.com/article/12/03/2024/despite-agreement-trump-nominees-may-seek-to-avoid-fbi-background-checks).

¹⁰ 18 U.S.C. § 1001.

nominees. In fact, the Trump-Vance Transition is reportedly concerned that FBI background checks could “turn up embarrassing information” on incoming personnel—including ethical conflicts-of-interest and foreign entanglements.¹¹ Notably, one of President-Elect Trump’s nominees—Matt Gaetz, who was tapped by President-Elect Trump to be Attorney General—has already withdrawn from consideration at least in part because of the damaging information apparently contained in an investigation of his past behavior conducted by the House Ethics Committee.¹²

Recent revelations that a Trump-Vance Transition official actually tried to sell White House jobs serve as a stark reminder of the importance of personnel vetting. According to the *Washington Post*, an internal review by the Trump-Vance Transition found that Boris Epshteyn—reportedly a “top advisor” to President-Elect Trump with “extensive sway in the transition”—sought to profit from his position by “ask[ing] potential administration nominees to give him monthly consulting fees in exchange for advocating for them to Trump.” Mr. Epshteyn apparently sought payments even from Scott Bessent, who has now been named as the nominee for the position of Secretary of the Treasury.¹³ Notably, Mr. Epshteyn is himself under indictment in Arizona for allegedly interfering in the state’s administration of the 2020 election.¹⁴

The review’s findings were reportedly memorialized in a written report that concluded that conflicts of interest have been allowed to fester in the transition as many “allies and

¹¹ *Trump’s Team Skips FBI Background Checks for Some Cabinet Picks*, CNN (Nov. 15, 2024) (online at www.cnn.com/2024/11/15/politics/security-clearances-fbi-gabbard-gaetz/index.html). Notably, a background check conducted on an individual considered for a possible nomination during the first Trump Administration resulted in criminal charges. In 2018, the Trump Administration briefly considered Ken Kurson for a position on the National Endowment for the Humanities (NEH). In the course of vetting Mr. Kurson, who withdrew from consideration not long after his background check began, FBI agents found evidence that Mr. Kurson had stalked and harassed his ex-wife and two others around the time his marriage was collapsing in 2015. In October 2020, the FBI arrested Mr. Kurson on federal cyberstalking charges. Then-President Trump pardoned Mr. Kurson on January 19, 2021—before his case was set to go to trial. (*A Kushner Ally Was up for a Federal Post. Then the F.B.I. Began Digging.*, New York Times (July 26, 2018) (online at www.nytimes.com/2018/07/26/business/ken-kurson-jared-kushner.html); *Trump Family Friend Ken Kurson, Pardoned by Trump, Pleads Guilty to Cyberstalking*, ABC News (Feb. 16, 2022) (online at <https://abcnews.go.com/Politics/trump-family-friend-ken-kurson-pardoned-trump-pleads/story?id=82931684>); U.S. Attorney’s Office, Eastern District of New York, *Press Release: Defendant Kenneth Kurson’s Alleged Harassment of His Victims Involved Repeated Visits to Their Workplace, Filing False Complaints with Their Employer and Malicious Cyber Activity* (Oct. 23, 2020) (online at www.justice.gov/usao-edny/pr/individual-charged-cyberstalking-three-victims); Donald J. Trump, President, *Executive Grant of Clemency* (Jan. 19, 2021) (online at www.justice.gov/pardon/file/1117706/dl?inline)).

¹² *Gaetz Withdraws from Attorney General Consideration After Trump Told Him He Didn’t Have the Votes in the Senate*, CNN (Nov. 21, 2024) (online at www.cnn.com/2024/11/21/politics/matt-gaetz-withdrawing-attorney-general/index.html).

¹³ *Trump Aide Sought Payments from Job Seekers, Internal Legal Review Found*, Washington Post (Nov. 25, 2024) (online at www.washingtonpost.com/nation/2024/11/25/trump-epshteyn-legal-review-conflicts/).

¹⁴ Indictment, *State v. Ward, et al.*, No. CR2024-006850 (Ariz. Sup. Ct. Apr. 23, 2024) (online at www.azag.gov/sites/default/files/2024-05/PHX-%2312079639-v1-TRUE_BILL_-_INDICTMENT_93_SGJ_81.PDF). See also *Trump Adviser Boris Epshteyn Pleads Not Guilty to Election Subversion Charges in Arizona*, CNN (June 18, 2024) (online at www.cnn.com/2024/06/18/politics/boris-epshteyn-election-subversion-indictment-arizona/index.html).

advisers” of the President-Elect “advocate for other candidates and business interests, and their payments are not always disclosed to Trump or his top advisers.”¹⁵ This is precisely the type of permissive environment in which individuals with undisclosed and unvetted security vulnerabilities can engage in nefarious conduct that could risk American security.

Stunningly, Mr. Gaetz and Mr. Epshteyn are not isolated cases. A number of individuals named by President-Elect Trump as nominees for top positions in the incoming administration also appear to have troubling ethical conflicts, foreign entanglements, personal histories of improper or even criminal conduct, and other security vulnerabilities that could open them up to blackmail. Absent a full vetting by the FBI—including reference to classified information—it would be impossible for the Senate or national security agencies to meaningfully assess whether these individuals should be trusted to fill senior positions in the government where they would require access to highly sensitive and classified information to carry out their responsibilities.

For example, publicly available information about former Congresswoman Tulsi Gabbard—the nominee-designate for the position of Director of National Intelligence—raises numerous and serious security concerns.¹⁶ Former Congresswoman Gabbard has repeatedly appeared to prioritize the interests of our authoritarian adversaries over those of the United States. According to the *New York Times*, after Russian President Vladimir Putin launched his unprovoked and murderous invasion of Ukraine, Ms. Gabbard “blamed the United States and NATO for provoking the war by ignoring Russia’s security concerns.”¹⁷ Multiple state-run Russian news outlets have praised her nomination and referred to her in terms that indicate the Russian state sees her as someone whose views are allied with Russia’s interests.¹⁸ As a Member of Congress, she met with Syria’s former dictator, Bashar al-Assad, in Syria and even “accused the United States of supporting terrorists there.”¹⁹

The background of Pete Hegseth—President-Elect Trump’s nominee to be Secretary of Defense—also raises numerous red flags. The Department of Defense is the federal government’s largest agency and the nation’s largest employer with more than 1.3 million active duty service members, 750,000 civilian personnel, and 811,000 National Guard and reserve service members, and would present a daunting management challenge to any senior leader.²⁰

¹⁵ *Trump Aide Sought Payments from Job Seekers, Internal Legal Review Found*, Washington Post (Nov. 25, 2024) (online at www.washingtonpost.com/nation/2024/11/25/trump-epshteyn-legal-review-conflicts/).

¹⁶ *Trump Picks Former House Democrat Tulsi Gabbard to Be Director of National Intelligence*, NBC News (Nov. 13, 2024) (online at www.nbcnews.com/politics/donald-trump/trump-names-tulsi-gabbard-director-national-intelligence-rcna180035).

¹⁷ *How Tulsi Gabbard Became a Favorite of Russia’s State Media*, New York Times (Nov. 18, 2024) (online at www.nytimes.com/2024/11/18/us/politics/tulsi-gabbard-trump-russia.html).

¹⁸ *Id.*

¹⁹ *Id.*; *Tulsi Gabbard Reveals She Met Assad in Syria, Without Informing Top Democrats*, The Guardian (Jan. 26, 2017) (online at www.theguardian.com/us-news/2017/jan/26/tulsi-gabbard-bashar-al-assad-syria-democrats).

²⁰ Performance.gov, *Department of Defense* (online at <https://trumpadministration.archives.performance.gov/defense/>) (accessed Nov. 25, 2024).

Mr. Hegseth lacks any significant management experience—and has been accused of mismanaging a small non-profit “with a staff of less than 10 people”—and appears wholly unprepared to lead one of the largest and most complex organizations in human history.²¹ This is particularly troubling given that Mr. Hegseth’s main agenda appears to be gutting the upper echelons of the U.S. armed forces, proclaiming he intends to “fire a ton of generals.”²² Further, although Mr. Hegseth has prior military service, he was reportedly dismissed from the District of Columbia National Guard after another Guard member reported that he had a tattoo allegedly associated with “the Proud Boys, Three Percenters and other extremists groups.”²³ In addition, “as part of a confidential settlement,” Mr. Hegseth reportedly paid a woman who alleged he had sexually assaulted her.²⁴ Combined with Mr. Hegseth’s history of infidelity, he is a potential target for compromise or blackmail from foreign governments.²⁵

Sebastian Gorka has been tapped to serve in the National Security Council as Senior Director for Counterterrorism. Although that position does not require Senate confirmation, it does require a security clearance, and reporting indicates “it was unclear if Gorka was able to receive full security clearance” during the previous Trump Administration.²⁶ John Bolton, who served as National Security Advisor in the first Trump Administration, has publicly warned that Mr. Gorka is a “con man.”²⁷ Public reporting also indicates that earlier in his life, Mr. Gorka lived in Hungary, where he ran unsuccessfully for political office and “tried to launch an alternative Hungarian political party with individuals tied to the county’s ultra-nationalist movement.”²⁸ Further, in early 2016, the Transportation Security Administration found a gun in

²¹ *GOP Insiders Sought Hegseth’s Removal as Leader of Veterans’ Group in 2016*, CBS News (Dec. 3, 2024) (online at www.cbsnews.com/news/pete-hegseth-concerned-veterans-for-america-jessie-jane-duff/).

²² *Pete Hegseth’s Plan to Overhaul America’s Military: “You Need to Fire a Ton of Generals,”* ABC News (Nov. 14, 2024) (online at <https://abcnews.go.com/US/pete-hegseths-plan-overhaul-americas-military-fire-ton/story?id=115842674>); see also *JD Vance Plays with His Three Young Kids as Robot Dog Spot Stands Guard at Mar-a-Lago*, New York Post (Nov. 15, 2024) (reporting that Mr. Hegseth “has advocated firing ‘a ton’ of generals”) (online at <https://nypost.com/2024/11/15/us-news/jd-vance-plays-with-his-kids-as-robot-dog-spot-stands-guard-at-mar-a-lago/>).

²³ *Pentagon Pick Left Guard After Being Reported as Possible ‘Insider Threat’ Due to Tattoo*, Washington Post (Nov. 16, 2024) (online at www.washingtonpost.com/investigations/2024/11/16/pete-hegseth-tattoo-national-guard/).

²⁴ *Trump’s Pentagon Pick Paid Woman After Sex Assault Allegation but Denies Wrongdoing, His Lawyer Says*, Associated Press (Nov. 17, 2024) (online at <https://apnews.com/article/hegseth-sexual-assault-allegations-trump-defense-secretary-677b2df5859a338feac4714c60ef369d>).

²⁵ *Police Report Details Woman’s 2017 Allegations Against Pete Hegseth, Now Trump’s Pick for Defense Secretary*, CBS News (Nov. 21, 2024) (online at www.cbsnews.com/news/pete-hegseth-police-report-details-womans-allegations/).

²⁶ *Former Trump Adviser Sebastian Gorka Named as Senior Director for Counterterrorism*, National Review (Nov. 23, 2024) (online at www.nationalreview.com/news/former-trump-adviser-sebastian-gorka-named-as-senior-director-for-counterterrorism/).

²⁷ *John Bolton Issues Warning Over Sebastian Gorka Nomination: ‘Con Man’*, Newsweek (Nov. 23, 2024) (online at www.newsweek.com/john-bolton-issues-warning-over-sebastian-gorka-nomination-con-man-1990589).

²⁸ *Sebastian Gorka’s PhD Adviser: ‘I Would Not Call Him an Expert in Terrorism’*, CNN (Aug. 18, 2017) (online at www.cnn.com/2017/08/18/politics/gorka-credentials/index.html).

luggage that Mr. Gorka was attempting to carry onto a flight at Reagan National Airport.²⁹ In 2017, it was reported that Mr. Gorka's departure from the first Trump Administration was precipitated by the decision of then-White House Chief of Staff John Kelly to remove whatever security clearance he did have.³⁰

Many other individuals tapped for positions in the incoming Trump-Vance Administration also appear to have potential conflicts of interest that could be concerning from a security perspective. For example, Pam Bondi, the nominee-designate to be the Attorney General, was previously employed by a lobbying firm run by Brian Ballard—who has been described as “closer to the president than perhaps any other lobbyist in town”—and among her clients was the government of Qatar.³¹ Although the terms of employment for Steven Witkoff, who has been tapped to be a special envoy to the Middle East, are unclear, it is clear that he lacks any diplomatic experience and has complicated financial entanglements with both the Trump family and with governments of several countries in the Middle East—including Qatar.³²

Given the urgency of ensuring that personnel who take office in the Trump-Vance Administration will not pose undisclosed and unvetted security risks, I request that the Trump-Vance Transition commit immediately to requiring *all* nominees to undergo FBI background checks before they are considered by the Senate and submit to vetting before they are afforded any access to classified information.

In addition, I request that no later than December 20, 2024, you provide to the Committee all contracts and agreements the Trump-Vance Transition has with private companies involved in conducting background checks or vetting of individuals serving in the Transition *and* individuals tapped to serve in the incoming presidential administration.

Finally, so that the Committee on Oversight and Accountability can understand the full extent of ethical lapses that have already occurred within the Trump-Vance Transition, I also request that you provide no later than December 20, 2024, all documents in complete and unredacted form referring or relating to any reviews conducted or commissioned by the Trump-Vance Transition of the conduct of Boris Epshteyn and, to the extent applicable, any other figures in the transition who have been investigated for any type of improper conduct.

²⁹ *Judge Dismisses Weapons Charge Against White House Aide*, Politico (Feb. 3, 2017) (online at www.politico.com/story/2017/02/sebastian-gorka-charge-dismissed-234603).

³⁰ *Report: Kelly Revoked Gorka's Security Clearance While He Was on Vacation*, Huff Post (Apr. 25, 2017) (online at www.huffpost.com/entry/gorka-security-clearance-revoke_n_59a0eb66e4b06d67e337bcd6).

³¹ *The Most Powerful Lobbyist in Trump's Washington*, Politico, (Apr. 2, 2018) (online at www.politico.com/magazine/story/2018/04/02/most-powerful-lobbyist-in-trump-washington-217759); *As a Lobbyist, Bondi Had Clients Including Amazon, G.M., Uber and Qatar*, New York Times (Nov. 21, 2024) (online at www.nytimes.com/2024/11/21/us/politics/pam-bondi-trump-ag-lobbyist.html).

³² *Trump's Middle East Envoy Has Prior Ties to Oil-Rich Nations There*, New York Times (Nov. 25, 2024) (online at www.nytimes.com/2024/11/25/us/politics/witkoff-trump-middle-east-envoy.html).


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The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has the broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions regarding this request, please contact Committee Democratic staff at (202) 225-5051.

Thank you for your prompt attention to this important matter.

Very truly yours,



Jamie Raskin
Ranking Member

Enclosure

cc: The Honorable James Comer, Chairman