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GOVERNMENTAL AFFAIRS

United States Senate

October 6, 2016

Admiral Michael S. Rogers
Director
National Security Agency
Suite 6282
Fort George Meade, MD 20755

Dear Admiral Rogers:

I write to express my concern regarding the recent arrest of Harold T. Martin III, a National Security Agency (NSA) contractor, by the Federal Bureau of Investigation (FBI). Specifically, I am concerned that Martin was allowed specialized access to highly-damaging information from the NSA that could be detrimental to foreign intelligence gathering efforts by the United States. Moreover, I am troubled that Martin's arrest once again exposes the significant gaps that continue to exist in our security clearance process.

Mr. Martin was granted Top Secret clearance and access to highly classified information, including computer codes that permitted U.S. intelligence the ability to infiltrate foreign adversaries. Some of the documents discovered during a search of Martin's property bore the markings indicating that they were property of the United States government and contained Top Secret and Sensitive Compartmented Information markings. Further, six documents were apparently derived from sensitive government sources, methods, and capabilities.

Just as Chelsea Manning, Edward Snowden, and Navy Yard shooter Aaron Alexis exposed the severe vulnerabilities in our security clearance system, it is important that we find out how best to shore up these gaps in order to preserve American security. While law enforcement is still seeking Martin's motivations, I am concerned that the process of his vetting – or lack thereof – may have once again exposed the vulnerabilities of our security clearance process to insider threats and, absent serious reforms, will continue to haunt U.S. intelligence agencies for years to come.

Due to my serious concern about the national security implications of Martin's actions, I request the following information, either in written form or in a classified briefing with my staff:

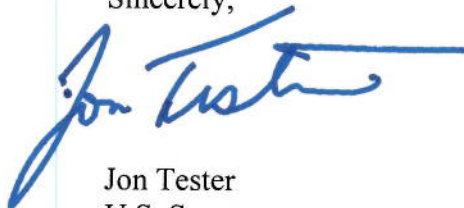
1. What is Martin's employment history? Was Martin employed to work with Tailored Access Operations in his position at Booz Allen Hamilton?
2. When was Martin first granted his security clearance? Which agency, or agency designee, conducted Martin's background investigation for his security clearance? Which agency adjudicated his background investigation and granted Martin his security clearance?

3. When was Martin last re-investigated? Which agency, or agency designee, conducted Martin's re-investigation Single Scope Background Investigation? What level of clearance eligibility did Martin have as a contractor for Booz Allen Hamilton?
4. Why did Martin have access to the files he is alleged to have stolen? Were these files pertinent to his position as a Booz Allen contractor? What is the nature of the files Martin is alleged to have stolen? Did Martin have access to these files on a "need-to-know" basis?
5. What is the reason Martin has not been charged with espionage? Is there any indication that the information Martin is alleged to have stolen has been obtained by foreign governments, foreign operatives, or foreign intelligence agencies? If so, could those tools or capabilities be used against the U.S. government?
6. When were Martin's actions first detected? Is there any indication that Martin had taken similar actions under previous employers? Is there any evidence that Martin was in any way responsible for the materials leaked by The Shadow Brokers threat actor?
7. What is the impact you believe this theft will have on the national security of the United States?

I also request that the Office of Inspector General at the National Security Agency and the Office of Inspector General at the Office of Personnel Management be kept fully apprised, to the greatest extent practicable, of the progress being made on the investigation.

The alleged theft of this sensitive information is incredibly troubling and could have a significant impact on national security operations by the U.S. government. I appreciate your prompt response to this request for information and do not hesitate to contact Stuart Varvel (stuart_varvel@tester.senate.gov) of my staff with any questions pertaining to this request.

Sincerely,



Jon Tester
U.S. Senator