

United States Senate

WASHINGTON, DC 20510

February 9, 2024

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Robert Hur
Special Counsel
Department of Justice

Dear Attorney General Garland, Director Wray, and Special Counsel Hur:

There appears to be a significant factual omission in Special Counsel Hur's report on his office's investigation into President Biden's mishandling of classified documents. On July 30, 2021, we wrote to then-White House Counsel Dana Remus and later sent letters to the National Archives and Records Administration (NARA) with respect to then-Vice President Joe Biden's apparent use of pseudonyms and personal email addresses for official government business and his compliance with federal record-keeping standards including the handling of classified documents.¹ According to the Hur report, in May 2022 and in subsequent months, Ms. Remus undertook an effort to "gather[] materials to prepare for potential congressional inquiries[.]"²

¹ Letter from Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf; Letter from Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (June 28, 2022), <https://www.ronjohnson.senate.gov/services/files/AECCDFD8-212945EB-A18F-B11EB81CC902>; Letter from Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (Jan. 11, 2023), <https://www.ronjohnson.senate.gov/services/files/A202FFC6-11F8-4D47B732-D0EA2F75B9F0>; Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Jan. 23, 2023), <https://www.ronjohnson.senate.gov/services/files/B15D5A48-7F3D-49958408-CF6A30219290> (enclosed); Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Feb. 24, 2023) https://www.grassley.senate.gov/imo/media/doc/johnson_grassley_to_nara_-_biden_records_follow_up1.pdf (enclosed); Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Mar. 27, 2023), <https://www.ronjohnson.senate.gov/services/files/8F98E20B-9F22-4199-8639-512C35A61F58> (enclosed); Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget, to Colleen Shogan, Archivist, National Archives and Records Administration (Aug. 29, 2023), https://www.grassley.senate.gov/imo/media/doc/johnson_grassley_to_nara_-_biden_records_follow_up1.pdf (enclosed).

² Report on the Investigation into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden, Jr. (February 5, 2023) <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf> at 261.

Over the course of our multi-year oversight work, we obtained information from NARA relating to its involvement, knowledge and role with respect to the existence of classified and unclassified documents at multiple locations from Joe Biden's vice presidency.³

As part of our inquiry, we publicly revealed last year that NARA had retrieved nine boxes of Biden records from the Boston office of Patrick Moore, one of Biden's personal counsels. NARA explained:

DOJ requested that NARA pick up the nine boxes that were at Mr. Moore's office. NARA did so on November 9, 2022, and secured them in NARA's John F. Kennedy Presidential Library in Boston, our nearest facility.⁴

Publicly released emails between NARA officials and Mr. Moore support NARA's claim that it picked up boxes from Mr. Moore's Boston office on November 9, 2022.⁵ At that time, NARA appeared to have been concerned about the sensitive nature of the records leading NARA's general counsel to warn Mr. Moore to "ensure that the boxes in your office in Boston remain secure in a locked space and are not accessed by anyone."⁶

Oddly, Special Counsel Hur's report did not mention NARA's retrieval of the nine boxes from Mr. Moore's office. This apparent omission is significant given that, according to NARA, the Department of Justice requested that NARA recover the boxes.⁷ In fact, in March 2023, NARA informed our offices that "while NARA has not yet reviewed the contents of the nine boxes, the FBI has."⁸ If the FBI did review the contents of the boxes, it is unclear what was found, to include any classified information, and whether the FBI informed Special Counsel Hur's office of its findings. Further, it is unclear if Special Counsel Hur had any awareness of or reviewed the information contained in these nine boxes. It would be extremely troubling if Special Counsel Hur failed to investigate the contents of these nine boxes particularly given that we first publicly revealed the existence of these specific boxes on March 27, 2023—nearly one year ago.⁹

DOJ, FBI, and the Special Counsel's office owe Congress and the American people a complete explanation regarding this apparent omission in Special Counsel Hur's report, a detailed description of the contents of the nine boxes, and what was done with them.

³ See e.g. Letter from Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Mar. 7, 2023), https://www.grassley.senate.gov/imo/media/doc/johnson_grassley_to_nara_-_biden_records_follow_up1.pdf at 13-15.

⁴ *Id.* at 14.

⁵ National Archives and Records Administration emails released via Freedom of Information Act, <https://www.archives.gov/files/foia/biden-documents-foia-release-final.pdf> at 67, 69.

⁶ Email from Gary Stern, General Counsel, National Archives and Records Administration, to Patrick Moore, et al., Nov. 7, 2022, <https://www.archives.gov/files/foia/biden-documents-foia-release-final.pdf> at 71.

⁷ Letter from Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Mar. 7, 2023), https://www.grassley.senate.gov/imo/media/doc/johnson_grassley_to_nara_-_biden_records_follow_up1.pdf at 14.

⁸ Email from Gary Stern, General Counsel for the National Archives and Records Administration, to Sen. Johnson and Grassley's office, Mar. 23, 2023.

⁹ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Mar. 27, 2023), <https://www.ronjohnson.senate.gov/services/files/8F98E20B-9F22-4199-8639-512C35A61F58>.

Accordingly, please provide the following information by no later than February 23, 2024:

1. Did the Special Counsel's office review the nine boxes of Biden records that NARA apparently retrieved from Mr. Moore's office? If not, why not?
 - a. If so, what did the Special Counsel's office find and when? Why was NARA's retrieval of the nine boxes not mentioned in Special Counsel Hur's report?
2. When and why did DOJ direct NARA to retrieve the nine boxes of Biden records from Mr. Moore's office?
3. When did FBI review the contents of the nine boxes of Biden records retrieved from Mr. Moore's office? What did the FBI find? How many classified records were contained in the nine boxes?
4. According to the Hur report, "Remus decided to ship material that could be relevant to future congressional inquiries to Patrick Moore[.]"¹⁰ When and what did Ms. Remus ship to Mr. Moore? Did it include any classified information?
5. Regarding questions two, three, and four, provide all records¹¹ regarding communications between and among DOJ, FBI, and NARA officials regarding the retrieval of Biden records from Mr. Moore as well as the content of those records.

Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

Enclosure

¹⁰ Report on the Investigation into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden, Jr. (February 5, 2023) <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf> at 258.

¹¹ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

February 9, 2024

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cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

The Honorable Michael Horowitz
Inspector General
Department of Justice

The Honorable Colleen Shogan
Archivist
National Archives and Records Administration

Enclosure

United States Senate
WASHINGTON, DC 20510

July 30, 2021

VIA ELECTRONIC TRANSMISSION

Ms. Dana Ann Remus
Counsel to the President
The White House

Dear Ms. Remus:

According to media reports, then-Vice President Joe Biden used private email for government use and as part of that use he sent government information to his son, Hunter Biden.¹ The news reports also allege that Vice President Biden's pseudonyms and email addresses included "RobinWare456@gmail.com," "Robert.L.Peters@pci.gov," and "JRB Ware."²

For example, according to an article, in 2016, an employee in the Office of the Vice President reportedly emailed Vice President Biden his schedule to the email address "Robert.L.Peters@pci.gov" and allegedly copied Hunter Biden.³ In another instance, that same employee reportedly emailed Vice President Biden in May 2016 about an early morning "prep for 9am phonecall with [Ukrainian] Pres Poroshenko" and again copied Hunter Biden.⁴ As you are undoubtedly aware, Hunter Biden served on the board of the corrupt Ukrainian energy company, Burisma, at that time and information relating to any communication between the United States Government and Ukrainian Government could have been of interest to Hunter Biden and his colleagues at Burisma.

If these reports are accurate, it is unclear whether then-Vice President Biden forwarded these and related emails to a government account to ensure that they satisfied federal record-keeping and archival requirements. Further, it is unclear whether now-President Biden has continued the use of non-government email for official business and whether he has continued to provide government information to his family members, including Hunter Biden. Accordingly, please provide the following information by no later than August 13, 2021:

¹ Miranda Devine, *Veep Joe Biden skirted 'no see' mail law with private accounts*, The New York Post (July 23, 2021), <https://nypost.com/2021/07/23/vp-joe-biden-skirted-no-see-mail-law-with-private-accounts-devine/>.

² *Id.*

³ *Id.*

⁴ *Id.*

1. What steps did then-Vice President Biden take to ensure that all his government emails and related communications were properly stored and archived?
2. Does President Biden use non-government email to communicate government business or email his family members government information? If so, what steps have been taken to ensure that those communications satisfy federal record-keeping and archival requirements?

Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations

cc: The Honorable David S. Ferriero
Archivist of the United States
U.S. National Archives and Records Administration

United States Senate
WASHINGTON, DC 20510

June 28, 2022

VIA ELECTRONIC TRANSMISSION

Mr. Richard Sauber
Special Counsel to the President
Office of the White House Counsel
The White House

Dear Mr. Sauber:

On July 30, 2021, we wrote to the White House with respect to then-Vice President Joe Biden's use of non-government email for government business and the transmission of government information to his son, Hunter Biden.¹ We noted that news reports also alleged that Vice President Biden's pseudonyms and email addresses included "RobinWare456@gmail.com," "Robert.L.Peters@pci.gov," and "JRB Ware."² Recently, a news report made public an additional non-government email pseudonym ("67stingray") that then-Vice President Biden used to communicate with his son, brother and government officials.³ We write to expand our original request to include this new email address.

With respect to our July 30, 2021, request for information, the White House has failed to respond for approximately one year. In fact, the White House Counsel's office has even refused to join a phone call with our respective staff to discuss our request for information. For example, on April 25, 2022, then-Deputy Counsel to the President, Jonathan Su told our offices, "Our position remains unchanged and we will circle back if we have updates to share. We do not believe there is a need for a call on this matter."⁴ Our respective staff have requested that the White House define what its "position" is; however, to-date the White House has failed to answer.

¹ Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf; Miranda Devine, *Veep Joe Biden skirted 'no see' mail law with private accounts*, The New York Post (July 23, 2021), <https://nypost.com/2021/07/23/vp-joe-biden-skirted-no-see-mail-law-with-private-accounts-devine/>.

² *Id.*

³ Bruce Golding, *Biden shared anti-Hillary Clinton column with aides, family amid 2016 campaign*, The New York Post (Apr. 12, 2022), <https://nypost.com/2022/04/12/biden-shared-anti-hillary-clinton-column-with-aides-family-in-2016/>; Josh Boswell, *EXCLUSIVE: Hating on Hillary! Joe Biden sent family scathing articles about Clinton's declining popularity with black voters, impending investigation over her private email server and top aide's private deals with the UAE, Hunter's emails reveal*, Daily Mail (Apr. 15, 2022), <https://www.dailymail.co.uk/news/article-10712611/Hunter-emails-reveal-Joe-Biden-hating-Hillary-Clinton.html>.

⁴ Email from Jonathan Su, Deputy Counsel to the President, to congressional staff (Apr. 25, 2022).

The White House's failure to respond to our initial questions has raised even more questions with respect to the universe of communications that then-Vice President Biden engaged in with his family while he was Vice President and whether those communications have continued during his presidency. Accordingly, we reiterate the questions that we posed on July 30, 2021, and raise additional questions below. Please answer no later than July 12, 2022:

1. What steps did then-Vice President Biden take to ensure that all his government emails and related communications were properly stored and archived?
2. Does President Biden use non-government email, including the following addresses, to communicate government business or email his family members government information? If so, what steps have been taken to ensure that those communications satisfy federal record-keeping and archival requirements?
 - a) "RobinWare456@gmail.com";
 - b) "Robert.L.Peters@pci.gov";
 - c) "JRB Ware"; and
 - d) "67stingray".

Thank you for your attention to this important matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Judiciary

cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Ms. Debra S. Wall
Acting Archivist
National Archives and Records Administration

United States Senate

WASHINGTON, DC 20510

January 11, 2023

Mr. Richard Sauber
Special Counsel to the President
Office of the White House Counsel
The White House

Dear Mr. Sauber:

We write about the recent discovery of “documents marked classified from Joe Biden’s vice presidency” that were found at the Penn Biden Center for Diplomacy and Global Engagement (“Penn Biden Center”) in Washington, D.C.¹ These documents were located on November 2, 2022, when attorneys for President Biden “were packing files housed in a locked closet to prepare to vacate” the Penn Biden Center office space.² The discovery of these documents raises questions about whether then-Vice President Joe Biden properly followed the Presidential Records Act and the possibility that other documents have not been properly archived.

On July 30, 2021, and June 28, 2022, we asked the White House about then-Vice President Joe Biden’s use of non-government email for government business and the transmission of government information to his son, Hunter Biden.³ We also asked about what steps then-Vice President Biden took to ensure all government records were properly archived.⁴ Our June 28, 2022, letter was addressed to you and the following day you wrote in an email to our staff, “I can say that the Biden/Harris Administration recognizes and understands the federal

¹ Adriana Diaz, Andres Triay, Arden Farhi, U.S. attorney reviewing documents marked classified from Joe Biden’s vice presidency found at Biden think tank, Jan. 10, 2023, CBS News, <https://www.cbsnews.com/news/biden-center-classified-documents/?ftag=CNM-00-10aab7e&linkId=196611442>.

² *Id.*

³ Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf; Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (June 28, 2022), <https://www.ronjohnson.senate.gov/2022/6/sens-johnson-and-grassley-the-white-house-has-failed-to-explain-whether-joe-biden-continues-to-use-non-government-email-for-official-business>; Miranda Devine, *Veep Joe Biden skirted ‘no see’ mail law with private accounts*, The New York Post (July 23, 2021), <https://nypost.com/2021/07/23/vp-joe-biden-skirted-no-see-mail-law-with-private-accountsdevine/>. *See also*, Senate Judiciary Committee Hearing: Oversight of the Federal Bureau of Investigation, Questions for the Record from Ranking Member Charles Grassley (August 11, 2022) [asking questions relating to the FBI raid on former President Trump’s residence and requesting related predating documents to publicly show the basis of the criminal investigation including any alleged federal records violations]

⁴ *Id.*

records laws.”⁵ The Biden Administration may understand the federal records laws but it does not appear that they were properly followed by then-Vice President Biden.

Aside from your brief and vague email to our staff, the White House has failed to respond to our previous letters. In light of the recent news regarding the inappropriate storage of classified documents, the White House must immediately provide transparency relating to then-Vice President Biden’s archiving of records. Please answer the following and provide the requested information no later than January 25, 2023:

1. What steps did then-Vice President Biden take to ensure that all his government emails and related communications were properly stored and archived?
2. Does President Biden use non-governmental email, including the following addresses and pseudonyms, to communicate government business or email his family members government information? If so, what steps have been taken to ensure that those communications satisfy federal record-keeping and archival requirements?
 - a) “RobinWare456@gmail.com”;
 - b) “Robert.L.Peters@pci.gov”;
 - c) “JRB Ware”; and
 - d) “67stingray”.
3. With respect to the documents that are reportedly marked classified, what is the classification level for each document?
4. Why is the Penn Biden Center vacating its office space in Washington, D.C.? When was this decided?
5. Please provide the name(s) of the attorneys who “were packing files” at the Penn Biden Center.
6. How many documents were packed at the Penn Biden Center? Has the National Archives requested to review all of the other documents at this location?
7. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has the National Archives requested to review those documents?

⁵ June 29, 2022, email from Richard Sauber, Special Counsel to the President to the committees. On file with the committees.

8. Has the National Archives requested the White House to provide all documents that include the pseudonyms and email addresses listed above that then-Vice President Biden used?

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Judiciary

cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Ms. Debra S. Wall
Acting Archivist
National Archives and Records Administration

United States Senate

WASHINGTON, DC 20510

January 23, 2023

VIA ELECTRONIC TRANSMISSION

Ms. Debra Steidel Wall
Acting Archivist
U.S. National Archives and Records Administration
700 Pennsylvania Ave, NW
Washington, DC 20408

Dear Ms. Wall:

We write today relating to the discovery of “documents marked classified from Joe Biden’s vice presidency” that have been found at multiple locations.¹ Since July 30, 2021, we have raised concerns about whether then-Vice President Joe Biden stored and archived government records in compliance with federal records laws. We request that NARA provide full transparency regarding its involvement, knowledge and role with respect to the existence of these classified and unclassified documents.

By way of background, on June 7, 2021, we requested that NARA provide documents in furtherance of our investigation into the Biden family’s financial dealings and potential conflicts of interest.² NARA declined to provide those records. On July 30, 2021, and June 28, 2022, we asked the White House about then-Vice President Joe Biden’s use of non-government email for government business, the transmission of government information to his son, Hunter Biden, and compliance with federal records laws.³ To date, the White House has failed to respond to those requests.

¹ Adriana Diaz, Andres Triay, Arden Farhi, More Biden documents marked classified found in at least one other location, Jan. 11, 2023, CBS News, <https://www.cbsnews.com/news/more-biden-documents-marked-classified-two-other-locations/>.

² Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to David S. Ferriero, Archivist of the United States, U.S. National Archives and Records Administration, (June 7, 2021).

³ Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf; Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (June 28, 2022), <https://www.ronjohnson.senate.gov/2022/6/sens-johnson-and-grassley-the-whitehouse-has-failed-to-explain-whether-joe-biden-continues-to-use-non-government-email-for-official-business>; Miranda Devine, Veep Joe Biden skirted ‘no see’ mail law with private accounts, The New York Post (July 23, 2021), <https://nypost.com/2021/07/23/vp-joe-biden-skirted-no-see-mail-law-with-privateaccountsdevine/>.

See also, Senate Judiciary Committee Hearing: Oversight of the Federal Bureau of Investigation,

In order for Congress to perform an independent and objective review of NARA's involvement in this matter and whether other federal agencies have properly involved NARA, please answer the following questions relating to NARA's process and procedure to ensure that its federal responsibilities have been met no later than February 2, 2023:

1. A timeline of NARA's interactions relating to the discovery of records, including those marked classified, from Joe Biden's vice presidency with the White House, Department of Justice, Federal Bureau of Investigation, Department of Homeland Security, NARA Office of Inspector General, Penn Biden Center for Diplomacy and Global Engagement, Joe Biden's attorneys, and any other federal or private entity involved.
2. How many documents were stored at the Penn Biden Center? Has NARA requested to review all of the other documents at this location or at any other? If not, why not?
3. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has NARA requested to review those records? If not, why not?
4. Has there been any other instance in which NARA was apprised of or discovered that records marked classified from Joe Biden's vice presidency were located outside a government facility? If so, please provide all details.
5. Has NARA requested the White House to provide all documents that include the pseudonyms and email addresses listed below that then-Vice President Biden used?

- a) "RobinWare456@gmail.com";
- b) "Robert.L.Peters@pci.gov";
- c) "JRB Ware"; and
- d) "67stingray".

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Judiciary

Questions for the Record from Ranking Member Charles Grassley (August 11, 2022) [asking questions relating to the FBI raid on former President Trump's residence and requesting related predicated documents to publicly show the basis of the criminal investigation including any alleged federal records violations].

Ms. Debra Steidel Wall
Jan. 23, 2023
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cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Dr. Brett M. Baker
Inspector General



Archivist of the
United States

February 2, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary

Dear Senators Johnson and Grassley:

I write in response to your letter of January 23, 2023, requesting information about the National Archives and Records Administration's "involvement, knowledge and role with respect to the existence of [Biden Vice Presidential] classified and unclassified documents." As a general matter, NARA treats all of its communications with the White House, DOJ, and the representatives of the former Presidents (and Vice Presidents) as presumptively confidential. Within that general limitation, please see our responses to each of your questions:

1. A timeline of NARA's interactions relating to the discovery of records, including those marked classified, from Joe Biden's vice presidency with the White House, Department of Justice, Federal Bureau of Investigation, Department of Homeland Security, NARA Office of Inspector General, Penn Biden Center for Diplomacy and Global Engagement, Joe Biden's attorneys, and any other federal or private entity involved.

Answer: NARA was contacted on November 2, 2022, and informed that some boxes in the Penn Biden center might contain classified information. NARA picked up the identified boxes on November 3, 2022. When NARA confirmed that the boxes contained classified information, NARA referred the matter to our OIG, who referred the matter to DOJ on November 4. Since then, DOJ has been in control of this issue. On January 12, 2023, the Attorney General appointed a Special Counsel to conduct the investigation of this issue. NARA has had no involvement in the subsequent searches of President Biden's residence.

2. How many documents were stored at the Penn Biden Center? Has NARA requested to review all of the other documents at this location or at any other? If not, why not?

Answer: Please contact the Department of Justice with respect to their ongoing investigation of this matter.

3. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has NARA requested to review those records? If not, why not?

Answer: Please contact the Department of Justice with respect to their ongoing investigation of this matter.

4. Has there been any other instance in which NARA was apprised of or discovered that records marked classified from Joe Biden's vice presidency were located outside a government facility? If so, please provide all details.

Answer: No.

5. Has NARA requested the White House to provide all documents that include the pseudonyms and email addresses listed below that then-Vice President Biden used?

- a) "RobinWare456@gmail.com";
- b) "Robert.L.Peters@pci.gov";
- c) "JRB Ware"; and
- d) "67stingray".

Answer: NARA has requested that the representatives of former Presidents and Vice Presidents assess whether any materials previously assumed to be personal might contain Presidential or Vice Presidential records subject to the PRA, whether classified or unclassified.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc:

The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations, Committee
on Homeland Security and Governmental Affairs

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Dr. Brett M. Baker
Inspector General
National Archives and Records Administration

United States Senate

WASHINGTON, DC 20510

January 23, 2023

VIA ELECTRONIC TRANSMISSION

Ms. Kimberly Cheatle
Director
United States Secret Service

Dear Director Cheatle:

We write today relating to the discovery of “documents marked classified from Joe Biden’s vice presidency” that have been found at multiple locations.¹ Since July 30, 2021, we have raised concerns about whether then-Vice President Joe Biden stored and archived government records in compliance with federal records laws. According to reports, your agency is “prepared to turn over documentation of visitors to [President] Biden’s Delaware home if requested by Congress.”² Accordingly, as part of our ongoing congressional investigation, we request that no later than February 2, 2023, the Secret Service provide a full and complete list of all individuals who entered the locations where classified records relating to then-Vice President Biden’s tenure have been identified.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Judiciary

¹ Adriana Diaz, Andres Triay, Arden Farhi, More Biden documents marked classified found in at least one other location, CBS News, (Jan. 11, 2023) <https://www.cbsnews.com/news/more-biden-documents-marked-classified-two-other-locations/>.

² David Spunt, Timothy H.J. Nerozzi, Biden classified document investigation: Secret Service ready to provide Delaware visitors, source says, Fox News (Jan. 19, 2023) <https://www.foxnews.com/politics/biden-classified-document-investigation-secret-service-ready-provide-delaware-visitors-source-says>.

Ms. Kimberly Cheatle
Jan. 23, 2023
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cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

The Honorable Joseph V. Cuffari
Inspector General



U.S. Department of Homeland Security
UNITED STATES SECRET SERVICE

Washington, D.C. 20223

February 10, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

The Honorable Charles Grassley
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Johnson and Senator Grassley:

Thank you for your letter dated January 23, 2023, seeking a list of individuals who entered the locations where classified records relating to then-Vice President Biden have been identified.

Please be advised that your inquiry is currently under review by the U.S. Secret Service (Secret Service) and the Department of Homeland Security. We remain committed to working with Congress to meet its oversight responsibilities and will correspond with your offices in the near future regarding your request.

Should your staffs have any further questions regarding this matter, please feel free to contact Donald Abbott, Special Agent in Charge for the Secret Service Congressional Affairs Program, at cafhq@uss.s.dhs.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Rowe, Jr.", with a long horizontal flourish extending to the right.

Ronald L. Rowe, Jr.
Assistant Director
Office of Intergovernmental and Legislative Affairs

United States Senate

WASHINGTON, DC 20510

February 24, 2023

VIA ELECTRONIC TRANSMISSION

Ms. Debra Steidel Wall
Acting Archivist
U.S. National Archives and Records Administration
700 Pennsylvania Ave, NW
Washington, DC 20408

Dear Ms. Wall:

On January 23, 2023, we wrote to you requesting information relating to the National Archives and Records Administration's (Archives) involvement, knowledge and role with respect to the existence of classified and unclassified documents at multiple locations from Joe Biden's vice presidency.¹ In that letter, we demanded that the Archives provide full transparency to Congress and the American people, and specifically requested that the agency disclose other locations where President Joe Biden stored records from his time as vice president.

Rather than provide our offices with an answer, on February 2, 2023, you wrote that we should "contact the Department of Justice with respect to their ongoing investigation of this matter."² Eight days after your response, the Associated Press published an article referencing now-public internal Archives emails indicating that your office knew in early November 2022 that Biden records were transported from the Penn Center to a law office in Boston.³ Based on the information contained in this article, it is now clear that despite knowing since early November 2022 that Biden records were in Boston, you appear to have intentionally withheld that specific information from Congress in your February 2, 2023, response.

This is unacceptable and it illustrates obstructive conduct.

In an effort to understand why you withheld this information, our offices spoke with Gary Stern, the Archives General Counsel. In short, it appears that the Department of Justice is dictating to the Archives what information can be shared with Congress and is therefore participating in the intentional withholding of information.⁴

¹ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, Jan. 23, 2023, <https://www.ronjohnson.senate.gov/2023/1/sens-johnson-grassley-national-archives-must-provide-transparency-about-joe-biden-s-classified-documents>.

² Letter from Debra Steidel Wall, Acting Archivist of the United States to Senator Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, Feb. 2, 2023 (enclosed).

³ Colleen Long and Seung Min Kim, *Archives wanted Boston Biden docs, not believed classified*, The Associated Press, Feb. 10, 2023, <https://apnews.com/article/biden-united-states-government-district-of-columbia-boston-c451c47d9d15d47e9d28af42a95df76f>.

⁴ Feb. 21, 2023 Phone call between Sen. Johnson and Grassley's office and Gary Stern, General Counsel for the National Archives and Records Administration.

Due to your failure to provide all the facts related to the Archives' knowledge with respect to the discovery of Biden records in Boston, please answer and provide the following no later than February 28, 2023:

1. Provide all records⁵ between the Archives and the Department of Justice relating to your response to our January 23, 2023, letter.
2. How and when did the Archives learn Biden records were transported from the Penn Center to Pat Moore's Boston office?⁶
3. Did the Archives notify the Archives Inspector General or the Department of Justice relating to the discovery of Biden records at Pat Moore's Boston office? If so, when?
4. How many Biden records were transported from the Penn Center to Pat Moore's Boston office?
5. On what date(s) were Biden records from the Penn Center transported to Pat Moore's Boston office?
6. Why did the Archives request the Biden records at Pat Moore's Boston office be transported to the JFK Library?⁷
 - a. Did these Biden records get transported to the JFK Library? If so, when and how many boxes/records?
7. Has the Archives reviewed the Biden records from Pat Moore's Boston office? If so, did the Archives discover classified material in the Biden records from Pat Moore's Boston office?
8. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has NARA requested to review those records? If not, why not?

⁵ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

⁶ Colleen Long and Seung Min Kim, *Archives wanted Boston Biden docs, not believed classified*, The Associated Press, Feb. 10, 2023, <https://apnews.com/article/biden-united-states-government-district-of-columbia-boston-c451c47d9d15d47e9d28af42a95df76f>. Pat Moore is one of Joe Biden's lawyers handling the preservation of documents.

⁷ *Id.*

9. Did any of the Biden records discovered at Pat Moore's Boston office include the pseudonyms and email addresses listed below that then-Vice President Biden used?
- "RobinWare456@gmail.com";
 - "Robert.L.Peters@pci.gov";
 - "JRB Ware"; and
 - "67stingray".

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

Dr. Brett M. Baker
Inspector General
U.S. National Archives and Records Administration

Enclosure



Archivist of the
United States

March 7, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

The Honorable Charles E. Grassley
Ranking Member
Committee on the Budget

Dear Senators Johnson and Grassley:

I write in response to your letter of February 24, 2023, requesting information about the National Archives and Records Administration's "knowledge with respect to the discovery of Biden records in Boston." As I noted in my January 23, 2023, letter to you, "As a general matter, NARA treats all of its communications with the White House, DOJ, and the representatives of the former Presidents (and Vice Presidents) as presumptively confidential." NARA General Counsel Gary M. Stern then explained to your staff in the February 21, 2023, phone call referenced in your letter that, in light of the ongoing Department of Justice (DOJ) Special Counsel law enforcement investigation into this matter, NARA must necessarily consult with DOJ before we can respond to questions or document requests seeking non-public information about this issue in order to protect the integrity of DOJ's ongoing investigation. Having done so in preparing this response, please see our responses to each of your questions:

1. Provide all records between the Archives and the Department of Justice relating to your response to our January 23, 2023, letter.

Answer: NARA generally does not release records concerning interagency deliberations regarding responses to Congress.

2. How and when did the Archives learn Biden records were transported from the Penn Center to Pat Moore's Boston office?

Answer: When NARA contacted President Biden's personal counsel on November 3, 2022, to arrange to pick up boxes from the Penn Biden Center in Washington, DC, they informed NARA that Mr. Moore had moved other boxes from the Penn Biden Center to Mr. Moore's law firm in Boston.

3. Did the Archives notify the Archives Inspector General or the Department of Justice relating to the discovery of Biden records at Pat Moore's Boston office? If so, when?

Answer: Yes, when NARA referred this matter to the Office of Inspector General on November 4, 2022, NARA informed the OIG that some boxes had been moved to Boston.

4. How many Biden records were transported from the Penn Center to Pat Moore's Boston Office?

Answer: NARA staff retrieved nine boxes from Mr. Moore's Boston office.

5. On what date(s) were Biden records from the Penn Center transported to Pat Moore's Boston office?

Answer: NARA was informed that President Biden's counsel began their review of the materials in the Penn Biden Center in October 2022 and had moved some boxes to Boston. NARA does not know the precise date(s) when that occurred.

6. Why did the Archives request the Biden records at Pat Moore's Boston office be transported to the JFK Library?

a. Did these Biden records get transported to the JFK Library? If so, when and how many boxes/records?

Answer: DOJ requested that NARA pick up the nine boxes that were at Mr. Moore's office. NARA did so on November 9, 2022, and secured them in NARA's John F. Kennedy Presidential Library in Boston, our nearest facility.

7. Has the Archives reviewed the Biden records from Pat Moore's Boston office? If so, did Archives discover classified material in the Biden records from Pat Moore's Boston Office?

Answer: NARA has not reviewed the contents of the boxes found at Mr. Moore's Boston office.

8. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has NARA requested to review those records? If not, why not?

Answer: NARA only has direct knowledge about boxes that were located at the Penn Biden Center and at Mr. Moore's office in Boston. NARA has informed DOJ that, in accordance with the Presidential Records Act (PRA), any Presidential or Vice Presidential records that DOJ obtains from any other location must be returned to NARA no later than the conclusion of their investigation.

9. Did any of the Biden records discovered at Pat Moore's Boston office include the pseudonyms and email addresses listed below that then-Vice President Biden used?

a. "RobinWare456@gmail.com";

- b. "Robert.L.Peters@pci.gov";
- c. "JRB Ware"; and
- d. "67stingray".

Answer: NARA has not reviewed the contents of the boxes found at Mr. Moore's Boston office.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

Dr. Brett M. Baker
Inspector General
U.S. National Archives and Records Administration

United States Senate
WASHINGTON, DC 20510

March 27, 2023

VIA ELECTRONIC TRANSMISSION

Ms. Debra Steidel Wall
Acting Archivist
U.S. National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Ms. Wall:

We write in furtherance of our oversight of the National Archives and Records Administration's (NARA) "knowledge with respect to the discovery of Biden records in Boston."¹ On March 7, 2023, you confirmed that NARA retrieved nine boxes of Biden records from Pat Moore's Boston office after Mr. Moore had moved them there from the Penn Biden Center.² When our offices asked NARA whether it has reviewed the contents of those nine boxes, you initially wrote, "NARA has not reviewed the contents of the boxes found at Mr. Moore's Boston office."³ However, after our staff reiterated the question in an email, NARA General Counsel Gary Stern revealed that, "while NARA has not yet reviewed the contents of the nine boxes, the FBI has."⁴ Mr. Stern did not indicate when the FBI reviewed those records. If the FBI's review occurred on or before your March 7 response to us, it is unclear why you did not disclose that information. It also remains unclear what steps, if any, NARA has taken to ensure that all records will be properly preserved before, during, and after the FBI's review.

By way of background, you previously wrote to us that President Biden's counsel told NARA that they "began their review of the materials in the Penn Biden Center in October 2022 and had moved some boxes to Boston."⁵ But, "NARA does not know the precise date(s) when that occurred."⁶ You confirmed to us that on November 3, 2022, President Biden's personal counsel "informed NARA that Mr. Moore had moved other boxes from the Penn Biden Center to Mr. Moore's law firm in Boston."⁷ On November 9, 2022, "NARA staff retrieved nine boxes

¹ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget, to Debra Steidel Wall, Acting Archivist of the United States, Feb. 24, 2023.

² Letter from Debra Steidel Wall, Acting Archivist of the United States to Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget. Mar. 7, 2023 (enclosed). Pat Moore is one of Joe Biden's lawyers handling the preservation of documents.

³ *Id.*

⁴ Email from Gary Stern, General Counsel for the National Archives and Records Administration, to Sen. Johnson and Grassley's office, Mar. 23, 2023.

⁵ Letter from Debra Steidel Wall, Acting Archivist of the United States to Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget. Mar. 7, 2023.

⁶ *Id.*

⁷ *Id.*

from Moore's Boston office" and "secured them in NARA's John F. Kennedy Presidential Library in Boston."⁸

Given NARA's recent revelation that the FBI has reviewed certain Biden records, please answer and provide the following no later than April 3, 2023:

1. On what date did the FBI request access from NARA relating to the nine boxes of Biden records secured at the John F. Kennedy Presidential Library in Boston?
 - a. What FBI office requested access to these nine boxes of Biden records?
 - b. Did the FBI take possession of the nine boxes of Biden records?
 - c. If so, has the FBI notified NARA that classified material was discovered in the nine boxes of Biden records?
2. Is it standard practice that the FBI would review these records before NARA conducts a review for the purpose of identifying Presidential Records Act documents?
3. Has NARA requested Pat Moore to confirm that his office in Boston does not have any other Biden records? If not, why not?
 - a. Has NARA requested Pat Moore to provide the date(s) in which the nine boxes of Biden records were moved from the Penn Biden Center to Mr. Moore's Boston office? If not, why?
 - b. Please provide all records⁹ between NARA and Pat Moore.
4. Has NARA provided all information related to these nine boxes of Biden records to Special Counsel Robert Hur?
5. Is NARA aware of any destruction of records at the Penn Biden Center, Pat Moore's Boston office or any other location where Biden records have been discovered?
6. Why did President Biden's counsel begin a review of materials at the Penn Biden Center in October 2022?

⁸ *Id.*

⁹ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

Enclosure

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dr. Brett M. Baker
Inspector General
U.S. National Archives and Records Administration



Archivist of the
United States

April 13, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations,
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Budget
United States Senate
Washington, DC 20510

Dear Senators Johnson and Grassley:

I write in response to your letter of March 27, 2023, requesting additional information concerning the Penn Biden Center records matter. As you know, this matter is the subject of an ongoing law enforcement investigation by Special Counsel Robert Hur. Accordingly, NARA is limited in what we can say about this matter. Having consulted with the Department of Justice, we are able to provide these responses to your questions:

1. On what date did the FBI request access from NARA relating to the nine boxes of Biden records secured at the John F. Kennedy Presidential Library in Boston?
 - a. What FBI office requested access to these nine boxes of Biden records?
 - b. Did the FBI take possession of the nine boxes of Biden records?
 - c. If so, has the FBI notified NARA that classified material was discovered in the nine boxes of Biden records?

Answer: Because of the ongoing Special Counsel investigation, we respectfully recommend that you contact the Department of Justice (DOJ) Office of Legislative Affairs on this matter.

2. Is it standard practice that the FBI would review these records before NARA conducts a review for the purpose of identifying Presidential Records Act documents?

Answer: Because of the ongoing Special Counsel investigation, we respectfully recommend that you contact the DOJ Office of Legislative Affairs on this matter.

3. Has NARA requested Pat Moore to confirm that his office in Boston does not have any other Biden records? If not, why not?

- a. Has NARA requested Pat Moore to provide the date(s) in which the nine boxes of Biden records were moved from the Penn Biden Center to Mr. Moore's Boston office? If not, why?
- b. Please provide all records between NARA and Pat Moore.

Answer: NARA's communications with Mr. Moore were limited to the boxes that originated at the Penn Biden Center. Subsequently, however, NARA asked the PRA representatives of Vice President Biden, along with every other former President and Vice President subject to the PRA, to search for any PRA records that might be in their possession.

NARA does not know the specific date the boxes were moved from the Penn Biden Center to Mr. Moore's Boston office, and we have not asked about it since we have no need for this information to carry out our duties. We respectfully recommend that you contact President Biden's counsel about Mr. Moore's actions.

NARA has posted on our website the emails between NARA and President Biden's personal counsel, including Mr. Moore, relating to this matter, which were responsive to several FOIA requests and also provided to the Chairman of the House Committee on Oversight and Accountability. These records can be found at <https://www.archives.gov/files/foia/biden-documents-foia-release-final.pdf>.

4. Has NARA provided all information related to these nine boxes of Biden records to Special Counsel Robert Hur?

Answer: Because of the ongoing Special Counsel investigation, we respectfully recommend that you contact the Department of Justice (DOJ) Office of Legislative Affairs on this matter.

5. Is NARA aware of any destruction of records at the Penn Biden Center, Pat Moore's Boston office or any other location where Biden records have been discovered?

Answer: No, NARA is not aware of any destruction of PRA records at the Penn Biden Center, Pat Moore's Boston office, or any other location where Biden records have been discovered.

6. Why did President Biden's counsel begin a review of materials at the Penn Biden Center in October 2022?

Answer: We respectfully recommend that you contact President Biden's counsel as to why they began a review of materials at the Penn Biden Center in October 2022.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

Dr. Brett M. Baker
Inspector General
U.S. National Archives and Records Administration

United States Senate

WASHINGTON, DC 20510

August 29, 2023

The Honorable Colleen Shogan
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Archivist Shogan:

We are continuing our oversight of then-Vice President Joe Biden's use of multiple pseudonyms and personal email addresses for official government business. We initially identified these pseudonyms and personal email addresses in a July 30, 2021, letter to the White House requesting information on what steps then-Vice President Biden took to ensure that he followed federal record-keeping and archival requirements.¹ The White House failed to respond to that letter and two additional letters on the same matter sent on June 28, 2022, and January 11, 2023.²

As a result of the Biden administration's lack of transparency and in light of reports of then-Vice President Biden's apparent mishandling of federal records including classified documents from his time as a U.S. Senator, we wrote to the acting archivist of the National Archives and Records Administration (NARA) on January 23, 2023, and February 24, 2023.³ As we noted in those letters to NARA, we are aware that then-Vice President Biden used the following pseudonyms and personal email addresses: "RobinWare456@gmail.com"; "Robert.L.Peters@pci.gov"; "JRB Ware"; and "67stingray".⁴

Based on NARA's June 24, 2022, response to a June 9, 2022, Freedom of Information Act (FOIA) request, we understand that NARA has identified "approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records" that may contain

¹ Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf.

² Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (June 28, 2022), <https://www.ronjohnson.senate.gov/services/files/AECCDFD8-2129-45EB-A18F-B11EB81CC902>; Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (Jan. 11, 2023), <https://www.ronjohnson.senate.gov/services/files/A202FFC6-11F8-4D47-B732-D0EA2F75B9F0>.

³ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Jan. 23, 2023), <https://www.ronjohnson.senate.gov/services/files/B15D5A48-7F3D-4995-8408-CF6A30219290> (enclosed); Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Feb. 24, 2023) (enclosed).

⁴ *Id.*

these pseudonyms and personal email addresses.⁵ Further, we understand that NARA has not produced any records connected to this specific FOIA request.⁶

As of June 2022, NARA stated that the records listed above were being “processed and reviewed for access under provisions of the P[residential] R[ecords] A[ct] and FOIA and are subject to the provisions of NARA regulations at 36 C.F.R. § 1270.46, which require that we notify the representatives of the former President and the incumbent President and the former Vice President prior to the release of any Vice-Presidential records.”⁷ Over a year after NARA claimed that then-Vice President Biden’s records were under review, and over two years since our first letter on the matter, it is unclear whether this process is near completion.

In order to better understand the review process for these records and to assist our over two-year inquiry into then-Vice President Biden’s use of personal email addresses for official government business, we request the following information:

1. Please provide a detailed update on the status of the review of the “approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records” that are connected to the Southeastern Legal Foundation’s June 9, 2022 FOIA request, including:
 - a. Which presidential offices participated in this review?
 - b. Have representatives of the current and former presidents completed the review of the records? If so, which offices have completed their review and when?
 - c. If not, how many records still need to be reviewed and by which office?
2. Regarding the discovery of Biden records in the Boston office of Pat Moore, as of March 7, 2023, NARA informed our offices that it had not reviewed the contents of the boxes found at Mr. Moore’s Boston office.⁸ Has NARA reviewed the contents of these boxes? If so, did any of the Biden records discovered at Mr. Moore’s Boston office include the pseudonyms and email addresses listed below that then-Vice President Biden used?
 - a. “RobinWare456@gmail.com”;
 - b. “Robert.L.Peters@pci.gov”;
 - c. “JRB Ware”; and
 - d. “67stingray”.

If not, is NARA confident that the “approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records” are the complete

⁵ Letter from Stephannie Oriabure, Archival Operations Division, National Archives and Records Administration, to Kimberly Hermann, Southeastern Legal Foundation (June 24, 2022), <https://www.slfliberty.org/wp-content/uploads/sites/12/2023/08/20230828-Complaint-Exhibit-4-Doc.-1-4.pdf>.

⁶ Victor Nava, National Archives has 5,400 Biden emails in which he uses fake names to dish government info to Hunter, others as VP: suit, N.Y. Post, Aug. 28, 2023, <https://nypost.com/2023/08/28/national-archives-admits-it-has-5400-biden-pseudonym-emails/>.

⁷ Letter from Stephannie Oriabure, Archival Operations Division, National Archives and Records Administration, to Kimberly Hermann, Southeastern Legal Foundation (June 24, 2022), <https://www.slfliberty.org/wp-content/uploads/sites/12/2023/08/20230828-Complaint-Exhibit-4-Doc.-1-4.pdf>.

⁸ Letter from Debra Steidel Wall, Acting Archivist, National Archives and Records Administration Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget (Mar. 7, 2023) (enclosed).

subset of records that contain Biden's pseudonyms and personal email addresses used for official government business? Please explain.

3. Please produce all records that have been identified responsive to the Southeastern Legal Foundation's June 9, 2022 FOIA request.

Please provide this information as soon as possible but no later than September 12, 2023. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

Enclosure

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dr. Brett Baker
Inspector General
National Archives and Records Administration

Mr. Richard Sauber
Special Counsel to the President
Office of the White House Counsel
The White House



Archivist of the
United States

September 12, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations,
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Budget
United States Senate
Washington, DC 20510

Dear Senators Johnson and Grassley:

I write in response to your letter of August 29, 2023, requesting information concerning how NARA responds to Freedom of Information Act requests for records governed by the Presidential Records Act. Please see the following responses to your questions:

1. Please provide a detailed update on the status of the review of the “approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records” that are connected to the Southeastern Legal Foundation’s June 9, 2022, FOIA request, including:
 - a. Which presidential offices participated in this review?
 - b. Have representatives of the current and former presidents completed the review of the records? If so, which offices have completed their review and when?
 - c. If not, how many records still need to be reviewed and by which office?

Answer: Because the Southeastern Legal Foundation’s (SLF) June 9, 2022, FOIA request involved a high volume of records, it was placed in the complex queue for PRA records of former Vice Presidents, which currently has a multi-year backlog of requests. NARA has now begun processing the request and, as represented by the Department of Justice, anticipates entering into a production schedule with SLF. That process will include the requisite notification to the representatives of the former and incumbent Presidents for public access requests in accordance with 44 U.S.C. 2208. Under this provision, once provided the records for review, the representatives have 60 working days to complete their review and can extend the period for up to an additional 30 working days.

2. Regarding the discovery of Biden records in the Boston office of Pat Moore, as of March 7, 2023, NARA informed our offices that it had not reviewed the contents of the boxes found at Mr. Moore’s Boston office. Has NARA reviewed the contents of these boxes? If so, did any of the Biden records discovered at Mr. Moore’s Boston office include the pseudonyms and email addresses listed below that then-Vice President Biden used?

- a. "RobinWare456@gmail.com";
- b. "Robert.L.Peters@pci.gov";
- c. "JRB Ware"; and
- d. "67stingray".

If not, is NARA confident that the "approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records" are the complete subset of records that contain Biden's pseudonyms and personal email addresses used for official government business? Please explain.

Answer: The volume of potentially responsive records described in the June 2022 response letter to the SLF FOIA request was an estimate based on a preliminary search of records for the purpose of determining which FOIA queue the request would be placed in. At this time, NARA has not reviewed the contents of the boxes retrieved from Mr. Moore's Boston office. However, NARA will conduct an appropriate review of those boxes to determine if there are any responsive records.

3. Please produce all records that have been identified responsive to the Southeastern Legal Foundation's June 9, 2022, FOIA request.

Answer: To the extent that NARA is able to release records in response to the SLF FOIA request/lawsuit, we will post them online, and make the records available to your offices as well.

Sincerely,



DR. COLLEEN J. SHOGAN
Archivist of the United States

cc: The Honorable Richard Blumenthal, Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse, Chairman
Committee on the Budget

The Honorable Christopher Wray, Director
Federal Bureau of Investigation

Dr. Brett M. Baker, Inspector General
U.S. National Archives and Records Administration

Mr. Richard Sauber, Special Counsel to the President
Office of the White House Counsel