

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

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