



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?

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- 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