

Congress of the United States
House of Representatives
Washington, DC 20515

January 11, 2023

The Honorable Ronald S. Moultrie
Under Secretary of Defense for Intelligence and Security
1400 Defense Pentagon
Washington, DC 20301-1400

The Honorable William K. Lietzau
Director
Defense Counterintelligence and Security Agency
27130 Telegraph Rd.
Quantico, VA 22134

Dear Under Secretary Moultrie and Director Lietzau:

The New York Times reported that classified documents were found over two months ago in a closet of a think tank where President Biden once kept an office, allegedly dating back to his time as Vice President.¹ Biden had “used an office at the center from mid-2017,” referring to the Penn Biden Center for Diplomacy and Global Engagement (“Biden Center”).²

John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, was assigned by Attorney General Merrick Garland “to look into the matter” in November 2022, presumably to determine whether damage to national security resulted from the improper storage of classified information.³ U.S. Attorney Lausch was the same Department of Justice (“DOJ”) official previously assigned to handle DOJ’s interactions with Congress concerning former Secretary of State Hillary Clinton’s improper handling of classified information,⁴ including emails found on her private email server classified at a “higher level than Top Secret,” and reportedly Special Access Program (“SAP”) information (highly classified information that requires exceptional controls to protect unauthorized disclosure).⁵

As overseers within the Department of Defense (“DOD”) responsible for missions related to the protection of classified material, personnel background check vetting, and a clearinghouse for referrals of potential espionage cases for investigation,⁶ the Office of the Under Secretary of Defense for Intelligence and Security and the Defense Counterintelligence and Security Agency maintain particular expertise to evaluate intelligence and counterintelligence threats posed by individuals and insight into the proper means of handling classified material.

¹ Peter Baker, Charlie Savage and Glenn Thrush, *Biden Lawyers Found Classified Material at His Former Office*, THE NEW YORK TIMES, Jan. 9, 2023.

² *Id.*

³ *Id.*

⁴ Jeff Mordock, *John Lausch, U.S. attorney, tapped by DOJ to oversee Clinton, Page docs handover to Congress*, THE WASHINGTON TIMES, April 9, 2018.

⁵ Nancy Cordes and Rebecca Kaplan, *Hillary Clinton had emails on server more classified than top secret*, CBS NEWS, Jan. 20, 2016.

⁶ Defense Counterintelligence and Security Agency, *History*, available at <https://www.dcsa.mil/about/history/>.

⁷ Under Secretary for Defense Intelligence and Security, *Leadership*, available at <https://ousdi.defense.gov/Leadership/Under-Secretary-of-Defense-for-Intelligence-Security/>.

I write to inquire whether you have been contacted to cooperate with U.S. Attorney Lausch's review and/or are conducting an independent investigation based on your own authorities. It is critical to assess whether possible national security damage, particularly to DOD equities, resulted from any improper storage, handling, or disclosure of classified information stored in a closet of a non-governmental entity like the Biden Center.

Moreover, it is also necessary to determine whether highly classified material found in the closet might have potentially placed Americans in harm's way if disclosed to those without the requisite clearance or need to know or accessed by individuals intending malfeasance or worse. It is imperative this Committee be kept informed about the nature of the classified data if it touches upon servicemembers' safety, DOD's operations, or the protection of DOD assets.

Please provide to the Committee no later than January 25, 2023, the following information to help understand any national security damage or threat resulting from possible mishandling of classified information:

- 1) A description of the subject matter of these alleged classified documents and each document's classification level;
- 2) Whether any of the alleged classified documents were provided by or pertained to the DOD or associated defense intelligence agencies;
- 3) Any access control records for such documents while they were in the possession of then-Vice President Biden or his office and any such records produced during that time;
- 4) A list of all individuals you have identified with knowledge of the location of the storage of the alleged classified information at issue, including any DOD personnel;
- 5) Any documentation concerning the alleged transfer or holding of such classified information in an unsecure location in the Biden Center;
- 6) Any documentation concerning who was present when the alleged classified documents were found, and individuals who have since had access to these documents; and,
- 7) The status of your communications with U.S. Attorney Lausch pursuant to his review of this matter.

Thank you for your immediate attention to a developing matter that has presumably been on your radar for some time now. Please contact Ryan Breitenbach, a member of my Committee staff, to schedule a briefing on this incident and to deliver the necessary responses (some of which may be transmitted in classified form) and any related matters calling into question whether classified information may have been mishandled.

Sincerely,



Hon. Mike D. Rogers
Chairman
House Committee on Armed Services