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House of Representatives

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April 20, 2007

The Honorable Robert D. Lenhard
Chairman
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Mr. Chairman:

Last week, the staff of the House Committee on Oversight and Government Reform received briefings from the office of the White House Counsel and the Republican National Committee regarding the preservation of White House e-mail records. These briefings revealed that an extensive volume of White House e-mails regarding official government actions may have been destroyed by the RNC and not preserved by the White House. At the time, I wrote to seventeen agency heads requesting that they preserve any e-mail communications in the possession or control of their agency that were received from or sent to White House officials using RNC or other nongovernmental e-mail accounts. I am now extending that request to cover several additional agencies, including yours.

As I noted in last week's letters, the briefings the Committee received raise serious concerns about the White House's compliance with the Presidential Records Act. This Act requires the President to "take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of his constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are maintained as Presidential records." Yet despite this requirement, it appears that neither the White House nor the RNC has preserved a large volume of e-mails that may have discussed official actions and fall within the requirements of the Presidential Records Act.

The Committee knows from its investigation that some federal agencies and departments received e-mails from White House officials using their RNC e-mail accounts. The only existing record of these e-mails may reside on servers or backup devices within the control of federal entities. For this reason, the Committee requests that you preserve all e-mails received from White House officials who used "gwb43.com," "georgewbush.com," "rnchq.org," or other nongovernmental e-mail accounts. The Committee also asks you to preserve any e-mails sent to White House officials at any of these accounts.

In addition, I request that you provide the Committee with an inventory of any e-mail communications in the agency's possession or control that meet the description in the preceding paragraph. This inventory should include the name and e-mail address of the sender, the name and e-mail address of the recipient, the date of the e-mail, and a brief description of the subject of the e-mail. This inventory should be provided to the Committee by May 10, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information on how to respond to the Committee's request.

I appreciate your cooperation with the Committee's inquiry. If you have any questions about the Committee's request, your staff can contact David Rapallo or Anna Laitin of the Committee staff at (202) 225-5420.

Sincerely,

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member