

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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September 25, 2017

Jared Kushner
Senior Advisor to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. Kushner:

Last night, *Politico* reported that you have been using a personal email account to communicate with senior White House officials and others about government business.¹ The report also stated that you and your wife set up a private family domain for your personal email use shortly before starting your positions at the White House.² In response to this report, your attorney admitted that you sent and received official emails on your personal email account “from January through August.”³

Republican Members of Congress expressed shock and outrage when former Secretary of State Hillary Clinton used a personal email account. For example, Rep. Trey Gowdy, who served as Chairman of the House Select Committee on Benghazi, wrote on March 19, 2015, to Secretary Clinton’s attorney:

The public has a right to access public records. The public has a right to certainty that no classified or sensitive information was placed at risk of compromise. The public has a right to know who was advising the Secretary of State about official matters. The public has a right to a full, comprehensive and thorough accounting of Secretary Clinton’s tenure. Moreover, there are other committees in both the House and Senate that have equities with respect to matters arising during Secretary Clinton’s service to our country. Finally, the media, as a conduit between government and the public, has a right to inspect documents in the public domain. All of these entities have the right to be assured the record is complete as well as to avoid burdensome and costly work and litigation to reconstruct public records.⁴

¹ *Kushner Used Private Email to Conduct White House Business*, *Politico* (Sept. 24, 2017) (online at www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071).

² *Id.*

³ *Kushner Used Personal Email Account for Government Business*, *New York Times* (Sept. 24, 2017) (online at www.nytimes.com/2017/09/24/us/politics/kushner-personal-email.html?mcubz=3).

⁴ Letter from Chairman Trey Gowdy, House Select Committee on Benghazi, to David E. Kendall (Mar. 19, 2015) (online at

Under the Presidential and Federal Records Act Amendments of 2014, which was passed after Secretary Clinton left office and before you assumed your position, the President, Vice President, and other federal employees who create records using non-governmental email accounts must copy their official account or forward the records to their government email account within 20 days.⁵ It is unclear from recent press reports whether you have complied with this law.

On March 8, 2017, our former Chairman, Rep. Jason Chaffetz, and I sent a bipartisan letter to White House Counsel Don McGahn asking whether any senior White House officials used non-official email accounts to conduct official business.⁶ On April 11, 2017, White House Director of Legislative Affairs Marc Short sent a response stating: "There are no senior officials covered by the PRA with multiple accounts."⁷ This statement appears to be inaccurate, although it is possible that Mr. Short was referring to senior officials with multiple official governmental email accounts and that he did not know about your personal email account at the time he wrote this letter to the Committee.

On March 10, 2015, in my position as Ranking Member of the House Select Committee on Benghazi, I joined all Democrats on the Select Committee in writing to the State Department. Our letter noted that Secretary Clinton asked for all 55,000 pages of emails from her personal account to be released to the public, and we asked the State Department to prioritize the review of emails relating to Benghazi "in order to make them available to the public first without waiting for the full review of all 55,000 pages of documents."⁸

Before requesting copies or calling for the public release of all official emails you sent or received on your personal email account, I first request that you preserve all official records and copies of records in your custody or control and that you provide the information requested below. Your actions in response to the preservation request and the information you provide in response to this letter will help determine the next steps in this investigation.

This letter requests that you preserve all responsive documents, communications, and other data ("records") that may be required for our oversight and investigative duties. The term

<https://benghazi.house.gov/sites/republicans.benghazi.house.gov/files/TG%20letter%20to%20Kendall%203.19.15.pdf>).

⁵ 44 U.S.C. §2209.

⁶ Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Donald F. McGahan, II, Counsel to the President (Mar. 8, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/03/2017-03-08-JEC-EEC-to-McGahn-WH-Presidential-Records-Act-due-3-22.pdf>).

⁷ Letter from Marc T. Short, Assistant to the President and Director for Legislative Affairs, to Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform (Apr. 11, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-04-11%20Short-WH%20to%20JEC%20EEC%20-%20Presidential%20Records%20Act%20re%203-8_0.pdf).

⁸ Letter from Ranking Member Elijah E. Cummings et al., House Select Committee on Benghazi, to Secretary John Kerry, Department of State (Mar. 10, 2015) (online at http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015_03_10_Letter_from_Dem_Members_to_State_re_Clinton_Emails.pdf).

Mr. Jared Kushner

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“records” is broad and includes log files and metadata. For purposes of this request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, including emails, as well as negligent or intentional handling which would foreseeably make such records incomplete or inaccessible. Specifically, you should:

1. exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such records that they are to be preserved;
2. exercise reasonable efforts to identify, recover, and preserve any records which have been deleted or marked for deletion but are still recoverable; and
3. if it is the routine practice of any employee or contractor to destroy or otherwise alter such records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

In addition, I request that you provide the following information:

1. the email addresses for all email accounts you have used to conduct official business since you were appointed to work in the White House;
2. a list of all emails you sent or received on non-governmental accounts in which you have conducted official business;
3. the names of all individuals on these emails, the email addresses of those individuals, and the dates of those emails;
4. the individual or entity that set up and maintains the security of your private family domain; and
5. all communications and documents regarding the security of your private family domain.

If you have any questions about this request, please contact Krista Boyd of my staff at (202) 225-9493. Thank you for your immediate attention to this matter.

Sincerely,



Elijah E. Cummings
Ranking Member

cc. The Honorable Trey Gowdy, Chairman