

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

December 1, 2021

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

The Honorable Antony J. Blinken  
Secretary  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

The Honorable Lloyd J. Austin III  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

Dear President Biden, Secretary Blinken and Secretary Austin:

We write to demand that you take all necessary measures to preserve any and all documents and communications related to the withdrawal of U.S. forces from Afghanistan amid the Taliban's takeover of that country. To this day, many American citizens and lawful permanent residents remain stranded in Afghanistan.<sup>1</sup> Afghanistan National Defense Security Forces' military equipment—much of which was originally funded by the United States—was left in that country to be captured by the Taliban.<sup>2</sup> It is Congress' duty to review the decisions that led to this national security and humanitarian crisis. The American people deserve to know how the Biden Administration planned for and executed the withdrawal from Afghanistan, as well as the chaotic evacuations after the Taliban took control of Kabul.

You are already obligated to ensure compliance with record preservation requirements set forth in federal law.<sup>3</sup> We also write to insist that you take all appropriate measures to collect and preserve all documents, communications, and other records relevant to the withdrawal of U.S.

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<sup>1</sup> Detsch, Jack et. al., *State Department: Thousands of U.S. Residents Still Stuck in Afghanistan*, FOREIGN POLICY (Nov. 3, 2021).

<sup>2</sup> QUARTERLY REPORT TO THE UNITED STATES CONGRESS, SPECIAL INSPECTOR GEN. FOR AFGHANISTAN RECONSTRUCTION (Oct. 30, 2021).

<sup>3</sup> See e.g. 44 U.S.C. §§ 3101-3107.

forces from Afghanistan, as well as the evacuation of U.S. citizens, lawful permanent residents, and vulnerable Afghans.

Specifically, we request that all types of documents and essential communications between and among Department employees related to the withdrawal of U.S. forces from Afghanistan and the evacuation of U.S. citizens, lawful permanent residents, and vulnerable Afghans be preserved. So that a full and complete record of those documents can be produced to the Committee in response to future document requests, please:

1. Preserve all e-mail, electronic documents, and data (“electronic records”) created since January 20, 2021 related to the planning, implementation, and execution of the withdrawal of U.S. forces from Afghanistan and the evacuation of U.S. citizens, lawful permanent residents, and vulnerable Afghans. For the 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 as well as negligent or intentional handling in a manner that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, including subcontractors and consultants who may have access to such electronic records in an effort to ensure these records are to be preserved; and,
3. If it is the routine practice of any employee or contractor to destroy or otherwise alter such documents or electronic 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.

The Biden Administration has taken a two-prong approach to analyzing and ultimately waived executive privilege in circumstances where maintaining the privilege “is not in the best interests of the United States” and where there are “unique and extraordinary circumstances.”<sup>4</sup> The Afghanistan withdrawal satisfies both prongs. Indeed, discovering the truth of what occurred is in the best interest of the United States, and the withdrawal constitutes a unique and extraordinary circumstance.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

Please respond in writing no later than December 14, 2021 to confirm receipt of this letter and to advise the Committee of the actions you will take to comply with this document

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<sup>4</sup> Memoli, Mike & Pete Williams, *Biden declines Trump request to withhold White House records from Jan. 6 committee*, NBC NEWS (Oct. 8, 2021).

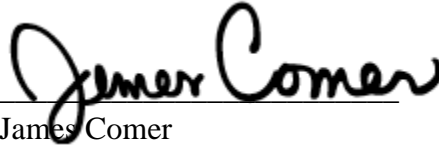
President Biden, Secretary Blinken and Secretary Austin

December 1, 2021

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preservation request. Do not hesitate to contact Republican Committee Staff at (202) 225-5074, if you have any questions. Thank you in advance for your cooperation with this request.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a horizontal line underneath the name.

James Comer

Ranking Member

Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman  
Committee on Oversight and Reform