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

August 25, 2021

The Honorable Joseph R. Biden
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Mr. President:

The ongoing chaos in Afghanistan profoundly concerns the American people. The horrifying scenes on the ground and the resulting erosion of America's worldwide geostrategic position raise troubling questions about your administration's ability to competently manage a major foreign crisis.

As elected officials, our primary duty is to protect the American people. Thus, we were shocked to hear White House Press Secretary Jen Psaki declare that no Americans are stranded in Afghanistan.¹ We implore you to acknowledge that, in fact, thousands of Americans remain stranded in Afghanistan, and to do all in your power to locate and evacuate these U.S. citizens. Our nation has no higher priority at this moment in history.

Once that effort is complete and our people are safely returned to their families, House Republicans plan to vigorously investigate your administration's withdrawal from Afghanistan. That investigation will comprise a joint, comprehensive review by our three Committees of the intelligence, diplomatic, and military factors that led to the current fiasco.

To ensure our constitutionally mandated oversight is honored, we request that your administration—including the Department of Defense, Department of State, and the Office of the Director of National Intelligence, as well as the broader Intelligence Community—take immediate steps to preserve all records related to your Administration's withdrawal of U.S. personnel, including diplomatic staff, intelligence personnel, and military forces, as well as those of our allies, from Afghanistan.

As you know, operative Federal statutes require the preservation of records related to a broad range of governmental and policy decisions. The Presidential Records Act (44 U.S.C. § 2201 *et seq.*) covers “documentary materials . . . created or received by the President, the President’s immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President, in the course of conducting activities which relate to or have an effect upon the

¹ “Psaki claims no Americans 'stranded' in Afghanistan in heated exchange,” Fox News, August 23, 2021, <https://www.foxnews.com/politics/psaki-americans-stranded-afghanistan>.

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carrying out of the constitutional, statutory, or other official or ceremonial duties of the President.”² The Federal Records Act (44 U.S.C. § 3301 *et seq.*) requires the head of each federal agency to safeguard against the removal or loss of relevant agency records. Records and documentation regarding policies, decisions, procedures, and transactions related to your administration’s Afghanistan withdrawal are certainly subject to these statutory preservation requirements.

Thank you for your prompt attention to this request.

Sincerely,



Devin Nunes
Ranking Member
Permanent Select Committee
On Intelligence



Mike Rogers
Ranking Member
Committee on Armed Services



Michael T. McCaul
Ranking Member
Committee on Foreign Affairs

cc: The Honorable Lloyd J. Austin, III
Secretary of Defense

The Honorable Antony Blinken
Secretary of State

The Honorable Avril Haines
Director of National Intelligence

² 44 U.S.C. § 2201(2).