

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-6906  
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March 16, 2023

The Honorable Frank Kendall  
Secretary  
U.S. Air Force  
1670 Air Force Pentagon  
Washington, D.C. 20330

Dear Secretary Kendall:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are investigating the mass collection and dissemination of information about American citizens by federal agencies. Following reports last fall, Members of Congress including Congressman Stewart corresponded with Air Force Inspector General Lieutenant General Stephen Davis regarding the steps his office is taking to investigate the circumstances of this improper release of personnel materials.<sup>1</sup> Recent public reports have disclosed that the Office of the Secretary of the Air Force (OSAF) improperly released information from several additional servicemembers' personnel files to political operatives. As alleged in the reporting, this is a serious breach of law and servicemember privacy. To advance our oversight and to inform potential legislative reforms, we write to request information about this serious breach of our servicemembers' personal information.

In late February 2023, media reports highlighted how the OSAF improperly disclosed Official Military Personnel Files (OMPF) of 11 servicemembers without appropriate authorization or lawful consent.<sup>2</sup> The OSAF reportedly released the personnel files of at least two Members of Congress to an opposition research firm that received money from the Democratic Congressional Campaign Committee (DCCC).<sup>3</sup> Subsequent reporting indicated that

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<sup>1</sup> Letter from Representatives August Pfluger, Jake Ellzey, Mike Garcia, C. Scott Franklin, & Chris Stewart, U.S. Congress, to Lt. Gen. Stephen L. Davis, Inspector Gen., Dep't of the Air Force (Oct. 27, 2022). *See also* Kyle Morris, *Air Force takes 'full responsibility' for Jennifer-Ruth Green sexual assault leak, GOP congressmen say*, FOX NEWS (Oct. 26, 2022).

<sup>2</sup> *See, e.g.,* Haley Britzky and Melanie Zanora, *Republican lawmakers demand answers over unauthorized disclosure of military service records*, CNN (Feb. 21, 2023).

<sup>3</sup> Olivia Beavers, *GOP lawmakers seek investigation of 'unauthorized' disclosure of their Air Force records*, POLITICO (Feb. 21, 2023).

the OSAF's dissemination of sensitive personal information may have affected more than just these 11 individuals.<sup>4</sup> In doing so, OSAF may have violated Department of Defense policies and federal law.<sup>5</sup>

While the Air Force has rightfully taken responsibility for these inappropriate OMPF disclosures,<sup>6</sup> questions remain unanswered about the U.S. Air Force's collection, maintenance, and dissemination of this sensitive information. To advance our oversight of this matter, please provide the following documents and information:

1. All documents and communications referring or relating to the U.S. Air Force's disclosure of OMPFs to the Due Diligence Group, excluding the contents of the OMPFs themselves, for the period of January 1, 2021, to the present;
2. All documents and communications referring or relating to any request made by the Due Diligence Group for OMPFs for the period of January 1, 2021, to the present;
3. All documents and communications referring or relating to the U.S. Air Force's notification(s) to affected servicemembers whose OMPF was improperly disclosed for the period of January 1, 2021, to the present;
4. All documents and communications referring or relating to Department of Defense and Air Force regulations and policies governing the request, redaction, and release of servicemembers' OMPFs for the period of January 1, 2021, to the present;
5. All documents and communications referring or relating to the changes, if any, that the U.S. Air Force has made to its policies and procedures related to releasing OMPFs for the period of January 1, 2021, to the present;
6. All documents and communications referring or relating to an internal inquiry, if any, conducted by the Air Force Office of Special Investigations concerning the improper disclosures of servicemembers' OMPFs for the period of January 1, 2021, to the present; and
7. A complete list of names of current or former OSAF employees involved in or responsible for the improper release of OMPFs for the period of January 1, 2021, to the present, as well as any administrative or disciplinary action(s) taken against them.

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<sup>4</sup> Brandon Gillespie, *Anna Paulina Luna says her military records likely leaked by Air Force to Dem firm as scandal grows: 'It's BS'*, FOX NEWS (Feb. 27, 2023).

<sup>5</sup> See Privacy Act of 1974, 5 U.S.C. § 552a; Freedom of Information Act, 5 U.S.C. § 552; DOD Federal Privacy Rule, Subpart E, *Disclosure of Personal Information to Other Agencies and Third Parties*, § 310.21 Conditions of disclosure.

<sup>6</sup> Olivia Beavers, *GOP lawmakers seek investigation of 'unauthorized' disclosure of their Air Force records*, POLITICO (Feb. 21, 2023).

The Honorable Frank Kendall

March 16, 2023

Page 3

Please provide this information as soon as possible, but no later than 5:00 p.m. on March 30, 2023.

The Judiciary Committee is authorized to conduct oversight of matters related to Americans' civil liberties pursuant to the Rules of the House of Representatives.<sup>7</sup> In addition, the Select Subcommittee on the Weaponization of the Federal Government is authorized by House Resolution 12 to investigate the dissemination of U.S. citizens' information by executive branch agencies.<sup>8</sup> If you have any questions, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Chris Stewart  
Member of Congress



Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member  
The Honorable Lloyd J. Austin III, Secretary of Defense

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<sup>7</sup> Rules of the U.S. House of Representatives, R. X (2023).

<sup>8</sup> H.R. 12, 118th Cong. (2023).