

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

March 20, 2026

The Honorable James H. Percival II  
General Counsel  
Department of Homeland Security  
235 Murray Lane SW  
Washington, DC 20528

Dear Mr. Percival:

We are writing to request confirmation that the Department of Homeland Security (DHS) has preserved all official records created by Secretary Kristi Noem and Mr. Corey Lewandowski during their tenure at DHS. Given serious allegations of misconduct by these officials, we are seeking your assurance that DHS has collected their electronic devices and preserved all potential records.<sup>1</sup>

DHS has had repeated problems with records retention, including among its most senior officials. At the end of the first Trump Administration, DHS lost text messages belonging to former Acting Secretary Chad Wolf and Acting Under Secretary Ken Cucinelli.<sup>2</sup> More recently, DHS claimed that it no longer retains text messages belonging to Secretary Noem, Mr. Lewandowski, and others.<sup>3</sup> This potential violation of public records laws led to litigation in which DHS acknowledged that it does, in fact, save text messages, but employees are responsible for taking screenshots, which must then be saved to DHS systems.<sup>4</sup> Further complicating comprehensive records retention, sources have alleged that Mr. Lewandowski used his personal phone to conduct government business.<sup>5</sup> As you know, any messages pertaining to government business that are created or received on the personal devices of Mr. Lewandowski

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<sup>1</sup> These may include, but are not limited to, e-mail, text messages, Signal communications or other encrypted messaging apps, Teams chats, documents and other files saved to mobile devices, documents and other files saved to their OneDrive, OneDrive for DHS offices, and items saved on other file-sharing tools.

<sup>2</sup> Declaration of Christopher H. Granger, Department of Homeland Security (Mar. 2, 2023), *Citizens for Responsibility & Ethics in Washington v. U.S. Department of Homeland Security, et. al.*, D.D.C. (No. 22-cv-03350). *See also*, Letter from Chairman Gary Peters to Secretary Alejandro Mayorkas (Aug. 10, 2022) ([https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/220810\\_PetersLettetoDHS\\_TextDeletions.pdf](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/220810_PetersLettetoDHS_TextDeletions.pdf)).

<sup>3</sup> Complaint (Oct. 20, 2025), *American Oversight v. U.S. Department of Homeland Security, et. al.*, D.D.C. (No. 1:25-cv-03699).

<sup>4</sup> Joint Status Report (Nov. 5, 2025), *American Oversight v. U.S. Department of Homeland Security, et. al.*, D.D.C. (No. 1:25-cv-03699).

<sup>5</sup> *Lewandowski back for another year as DHS's part-time power broker*, Axios (Jan. 23, 2026) ([www.axios.com/2026/01/23/corey-lewandowski-kristi-noem-homeland-security](https://www.axios.com/2026/01/23/corey-lewandowski-kristi-noem-homeland-security)).

and Secretary Noem are federal records, and DHS must preserve them as though they were transmitted on a government device.<sup>6</sup>

Secretary Noem and Mr. Lewandowski face a wide range of misconduct allegations. For example, Secretary Noem allegedly funneled \$143 million to an advertising company owned by her former campaign advisor and the husband of the then-DHS Assistant Secretary for Public Affairs.<sup>7</sup> Mr. Lewandowski allegedly reviewed all DHS contracts worth more than \$100,000 before final approval by Secretary Noem.<sup>8</sup> Recent reporting has raised the concern that Mr. Lewandowski used his position to steer contracts to his personal connections — a concern that President Trump apparently shares.<sup>9</sup> Some of these contracts are the subject of ongoing litigation<sup>10</sup> or Congressional investigation.<sup>11</sup> Ongoing challenges with records retention at DHS, however, raise the risk that this and other alleged misconduct may not be able to be fully investigated.

Given past compliance issues at DHS, we stress your obligation to ensure that all federal records belonging to Secretary Noem and Mr. Lewandowski, and particularly those that are subject to pending or anticipated litigation, Congressional inquiries, or FOIA requests are preserved and not destroyed or removed.<sup>12</sup> By April 3, 2026, please confirm whether, prior to their departure, DHS preserved all potential records for Secretary Noem and Mr. Lewandowski, including any records that may exist on their personal devices. Please describe the processes for doing so, including any auditing or validation of such records, as well as any gaps or irregularities that DHS identified in records belonging to Secretary Noem or Mr. Lewandowski, either as part of off-boarding or responding to prior records requests.

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<sup>6</sup> U.S. National Archives and Records Administration, *Guidance on Managing Electronic Messages* (Bulletin 2015-02) (July 19, 2015) ([www.archives.gov/records-mgmt/bulletins/2015/2015-02.html](http://www.archives.gov/records-mgmt/bulletins/2015/2015-02.html)).

<sup>7</sup> *Firm Tied to Kristi Noem Secretly Got Money From \$220 Million DHS Ad Contracts*, ProPublica (Nov. 14, 2025) ([www.propublica.org/article/kristi-noem-dhs-ad-campaign-strategy-group](http://www.propublica.org/article/kristi-noem-dhs-ad-campaign-strategy-group)).

<sup>8</sup> *Kristi Noem Mised Congress About Top Aide's Role in DHS Contract*, ProPublica (Mar. 4, 2026) ([www.propublica.org/article/kristi-noem-dhs-mised-senate-judiciary-corey-lewandowski-contracts](http://www.propublica.org/article/kristi-noem-dhs-mised-senate-judiciary-corey-lewandowski-contracts)).

<sup>9</sup> *Trump has questioned aides about Corey Lewandowski's role in DHS ad campaign, sources say*, NBC News (Mar. 10, 2026) ([www.nbcnews.com/politics/white-house/trump-questioned-aides-corey-lewandowskis-role-dhs-ad-campaign-sources-rcna262631](http://www.nbcnews.com/politics/white-house/trump-questioned-aides-corey-lewandowskis-role-dhs-ad-campaign-sources-rcna262631)).

<sup>10</sup> *CSI AVIATION, INC. v. United States*, C.F.C. (1:25-cv-01338).

<sup>11</sup> *Democrats are probing companies awarded a \$220 million ad contract for ties to Noem, Lewandowski*, NBC News (Mar. 6, 2026) ([www.nbcnews.com/politics/trump-administration/noem-lewandowski-democrats-probing-companies-220-million-ad-contract-rcna262156](http://www.nbcnews.com/politics/trump-administration/noem-lewandowski-democrats-probing-companies-220-million-ad-contract-rcna262156)).

<sup>12</sup> See 44 U.S.C. §§ 3101, 3301; DHS Directive 141-01, Section IV.D; DHS Instruction 141-01-001, Sections V.G.2, VI.D.5, VI.D.6.

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March 20, 2026

Page 3

Thank you for your prompt attention to these matters. If you have any questions related to this request, please contact [REDACTED]. Please send any official correspondence relating to this request to [REDACTED].

Sincerely,



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Gary C. Peters  
United States Senator  
Ranking Member, Committee  
on Homeland Security and  
Governmental Affairs



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Margaret Wood Hassan  
United States Senator