

Congress of the United States

Washington, DC 20515

June 3, 2025

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Dear Secretary McMahon:

We are respectfully writing today to call for your cooperation with the Department of Education's (Department) Office of Inspector General (OIG). We were recently informed that the Department has repeatedly delayed and denied the OIG access to requested documents, information, and staff to conduct a review related to the Department's recent workforce, program, and operational changes. The *Inspector General Act* and the *Inspector General Empowerment Act of 2016*¹ are clear about the OIG's mission, which is to "promote the efficiency, effectiveness, and integrity of the Department's programs and operations through independent and objective audits, investigations, inspections, and other activities."² As an agency head, you also have an individual obligation to furnish the OIG with information and assistance upon request.³ We urge the Department to immediately meet its obligation under the law to fully comply with the OIG's review.

This Administration has attempted to make significant changes to the Department, changes the OIG has unquestionable authority to review. Immediately after being sworn in on March 3, you announced that the Department was taking its "final mission"⁴ towards essentially dismantling itself without Congressional authorization. Just over a week later on March 11 more than half of the Department's employees were notified that they would be terminated pursuant to what the Department described as a "reduction in force."⁵ At the time, the Department claimed that it would "continue to deliver on all statutory programs."⁶ Concerns about this claim led to multiple bicameral inquiries to you and to the OIG.⁷

¹ 5 U.S.C. § 401 et seq.

² U.S. Dep't of Educ., Off. of Inspector General, About, (last visited May 29, 2025), <https://oig.ed.gov/about>.

³ 5 U.S.C. § 406(c)(1).

⁴ Memo from Linda McMahon, Sec'y, U.S. Dep't of Educ. to Employees of the Dep't, (Mar. 3, 2025, <https://www.ed.gov/about/news/speech/secretary-mcmahon-our-departments-final-mission>).

⁵ Press Release, U.S. Dep't of Educ., U.S. Department of Education Initiates Reduction in Force, Mar. 11, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>.

⁶ *Id.*

⁷ Letter from Senator Peters, et al to Acting Inspector General Rocque (Mar. 21, 2025, <https://www.hsgac.senate.gov/wp-content/uploads/IG-Mass-Layoff-Request.pdf>); Letter from Rep. Scott & Rep. Connolly to Linda McMahon, Sec'y, U.S. Dep't of Educ., (Mar. 20, 2025, https://democrats-edworkforce.house.gov/imo/media/doc/ranking_members_scott_and_connolly_call_for_an_immediate_halt_to_the_illegal_dismantling_of_ed.pdf).

Predictably, since that time, concerning stories regarding the Department's failure to perform its duties have emerged, failures that appear directly related to the reduction in staff. For example, states have experienced delays in accessing relevant portals to receive federal funding, with "severe staffing constraints" being offered as the reason.⁸ College financial aid advisors have experienced significant delays in getting answers from Office of Federal Student Aid personnel.⁹ Parents with cases pending at the Office for Civil Rights have no idea of the status of their cases, or if anyone is even working them.¹⁰ The staff of the Office of English Language Acquisition was decimated and the duties of that office were folded into the Office of Elementary and Secondary Education without the Department providing the statutorily required notice to Congress.¹¹ These examples and the many others like them call into question your promise that the delivery of statutory programs would continue unabated after the reduction in force actions. Congress and the public need to understand the full extent and impact of the Administration's actions on the Department and the students, families, and educational communities it may no longer be able to serve. The OIG must be allowed to do its job.

The *Inspector General Act* authorizes the OIG "to have timely access to *all* records, reports, audits, reviews, documents, papers, recommendations, or other materials available" related to the Department's "programs and operations."¹² However, we have been informed that the Department has withheld numerous documents requested by the OIG based on vague claims that the materials are somehow sensitive, deliberative, or related to unspecified litigation. In writing the *Inspector General Act*, Congress permitted only express exceptions to OIG access¹³, and no "deliberative information" or "information subject to litigation" exceptions to this authority exist – they are simply not recognized in law as valid reasons to withhold information from the OIG.

Further, we have been informed that the Department cancelled without notice all of OIG's scheduled interviews with Department staff and now insists on the presence of staff from the Department's Office of General Counsel (OGC). Our understanding is that such interviews are always conducted without OGC staff present, and this would be an unjustified departure from longstanding practice. Based on the already public examples of the Department's failure to perform its statutory duties, we fear OGC's presence in these interviews will inhibit Department staff from giving complete and candid responses to OIG inquiries. We ask you to ensure that these interviews are rescheduled immediately, without the presence of OGC staff, and that OIG is given unfettered direct access to your staff as it conducts its reviews. We also ask you to

⁸ E.g., Trisha Powell Crain, *Alabama education officials briefly locked out of federal system, delaying \$9 million in funds*, Ala. Daily News, Mar. 13, 2025, <https://aldailynews.com/alabama-education-officials-briefly-locked-out-of-federal-system-delaying-9-million-in-funds/>.

⁹ Stephanie Hughes, *Colleges and students find it harder to get financial aid information after Department of Education cuts*, Marketplace, May 21, 2025, <https://www.marketplace.org/story/2025/05/21/financial-aid-information-delayed-after-dept-of-education-cuts>.

¹⁰ Dylan Peers McCoy, *Families say school civil rights investigations have stalled after federal cuts*, NPR, Apr. 16, 2025, <https://www.npr.org/2025/04/16/nx-s1-5338830/trump-federal-cuts-civil-rights-education-investigations>.

¹¹ Kalyn Basha, *Trump Education Department decimates office serving 5 million English learners in public schools*, Chalkbeat, Mar. 21, 2025, <https://www.chalkbeat.org/2025/03/21/trump-education-department-dismantles-office-for-students-learning-english/>; 20 U.S.C. § 3473.

¹² 5 U.S.C. § 406(a)(1)(A) (emphasis added).

¹³ 5 U.S.C. § 406(a)(1)(B).

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publicly state that any attempt to chill or censor responses to the OIG's requests related to any of its reviews will not be tolerated.

We insist that you fully cooperate with the OIG in accordance with the law and provide us a written response to this letter providing a date when OIG will receive the materials it requested, stating that staff interviews have been scheduled without an OGC presence, and outlining your intention to cooperate in accordance with the specific concerns raised here. If you believe that the failure to cooperate with the OIG's review was based on a good faith misunderstanding of the applicable law, please also provide any specific citations to current law on which that misunderstanding was based. The laws that establish and authorize our Inspectors General do not permit Departments to stonewall their Inspectors General. We kindly request your response no later than June 6, 2025.

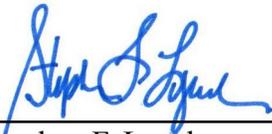
Sincerely,



Robert C. "Bobby" Scott
Member of Congress
Ranking Member, Committee
on Education and Workforce



Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions



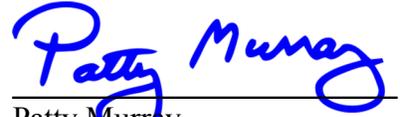
Stephen F. Lynch
Acting Ranking Member
Committee on Oversight and
Government Reform



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



Rosa L. DeLauro
Member of Congress
Ranking Member, Committee
on Appropriations



Patty Murray
Vice Chair
Senate Committee on
Appropriations



Tammy Baldwin
Ranking Member
Appropriations Subcommittee
on Labor, Health and Human
Services, Education, and
Related Agencies