



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

May 23, 2025

The Honorable Tim Walberg
Chairman, Committee on Education
and Workforce
U.S. House of Representatives
Washington, DC 20515

The Honorable James Comer
Chairman, Committee on Oversight
And Government Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert Aderholt
Chairman, Subcommittee on Labor,
Health and Human Services, Education,
Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert Scott
Ranking Member, Committee on Education
and Workforce
U.S. House of Representatives
Washington, DC 20515

The Honorable Jasmine Crockett
Vice Ranking Member, Committee on
Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member, Subcommittee on Labor,
Health and Human Services, Education, and
Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen and Ranking Members:

On April 2, 2025, we wrote to inform you that the U.S. Department of Education (Department) Office of Inspector General (OIG) would be initiating a series of reviews to provide information on the Department's programs and operations following recent workforce changes. As noted in our letter, we looked to begin issuing the results of our work this summer. In keeping with our dual reporting requirement, we write today to let you know that we will not be able to issue the reports in that timeframe, as over the last 6 weeks the OIG has experienced unreasonable denials and repeated delays from the Department in providing the OIG access to documents, staff, and information. These denials and delays prevent the OIG from discharging our statutory mission to oversee the Department's programs and operations under the Inspector General Act (IG Act), 5 U.S.C. section 401 et seq.

As shared with the Secretary and other Department leaders, pursuant to the IG Act, the OIG is authorized to have "timely access to all records, reports, audits, reviews, documents, papers,

recommendations, or other materials available” to the Department that relate to the Department’s programs and operations.” (5 U.S.C. section 406(a)(1)(A)) This includes access to documents that the Department claims are privileged or otherwise sensitive. The only exception to the OIG’s access to documents is pursuant to laws enacted by Congress that expressly refer to the IG and limit the rights of the IG’s access. (5 U.S.C. section 406(a)(1)(B)) Despite this specific statutory access authority, our review has been delayed by the refusal of the Department to provide the OIG with a majority of the information and documents requested or direct access to staff for interviews. The Department has claimed in repeated instances that the information we have requested is “deliberative information and the subject of ongoing administrative and court litigation, and therefore, cannot be provided at this time.” A claim that information is privileged or otherwise the subject of litigation is not a basis to withhold documents from the OIG, since the OIG is part of the Department. In addition, the OIG has a very long history of reviewing and safeguarding sensitive Departmental information, including information related to ongoing litigation.

For the past 6 weeks, the OIG has accommodated the Department in its requests for extensions to provide the documents. This includes meeting with the Acting Deputy Secretary and attorneys from the Department’s Office of the General Counsel (OGC), including a meeting yesterday, to resolve at the lowest possible level the Department’s refusal to provide most of the documents and information that we requested. Further, and most significantly, in an email received today from the Department’s Deputy General Counsel, we were informed that the Department has cancelled scheduled OIG interviews with Department staff and insists that an OGC lawyer be present for any rescheduled interviews (which, as we have communicated to the Department, is contrary to our longstanding practice). The email also noted that the Department looks forward to continuing to cooperate with the OIG; however, despite the Department having provided some of the items that we requested, it has only done so after significant delay. The Department has not demonstrated its commitment to fully cooperating with the OIG and is interfering with the OIG’s ability to conduct an independent and timely review.

We bring this matter to you in keeping with our dual reporting requirement. As such, I would welcome the opportunity to speak with you at your earliest convenience about this matter. I can be reached directly at (202) 245-6900 or please have a member of your staff contact our Congressional Liaison, Catherine Grant, at (202) 245-7023.

Sincerely,

René L. Rocque
Acting Inspector General

cc: The Honorable Linda McMahon, Secretary, U.S. Department of Education