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November 4, 2026

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

Dear Secretary McMahon:

In preparation for the 120th Congress, I write to respectfully remind you of requirements related to records management and preservation under the *Federal Records Act of 1950* (FRA),[1] as amended. The preservation of records in accordance with the FRA is critical to ensuring that Congress can fulfill its essential oversight responsibilities.

As you are aware, the FRA requires all departments and agencies in the Executive Branch to collect, retain, and preserve records that document "the transaction of public business" or contain "informational value."[2] The FRA's regulations require the head of each federal agency to "make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency".[3] These protections extend to all types of information, whether stored physically, digitally, or electronically.[4] Further, these requirements apply to all subagencies, offices, departments, and other organizational components under the Department of Education's purview, as well as to all Department of Education personnel.

Federal officials and employees who violate the FRA are subject to criminal penalties. Any agency employee who "willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys" or attempts any such action against a federal record is subject to fine and/or imprisonment for up to three years.[5] In addition, any federal officeholder convicted of violating the FRA can lose his/her position and can be disqualified from holding future federal office.[6] Moreover, the head of an agency, such as

[1] Pub. L. No. 81–754 (1950).
[2] 44 U.S.C. § 3301(a)(1)(A).
[3] 36 C.F.R. § 1220.30 (2026).
[4] *See* 44 U.S.C. § 3301(a)(2).
[5] *See* 18 U.S.C. § 2071(b).
[6] *Id.*

the Department of Education, governed by the FRA has the responsibility to notify the Archivist of the United States of any actual, impending, or threatened unlawful action against records at the agency.[7]

The American people have given Congress a clear mandate to root out waste, fraud, and abuse within the Administration. I request an assurance, in writing, by November 18, 2026, that records, documents, data, or information have not been and will not be concealed, modified, removed, transferred, destroyed, or otherwise rendered inaccessible.

Thank you for your attention to this request. Please send all official correspondence and information related to this request to the Committee's Democratic staff at EWDOversight@mail.house.gov. I look forward to your response.

Sincerely,

ROBERT C. "BOBBY" SCOTT
Ranking Member

cc: The Honorable Tim Walberg, Chairman, Committee on Education and Workforce

[7] *See* 44 U.S.C. § 3106(b).