

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 24, 2025

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20451

The Honorable Marco Rubio
Acting Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary Rubio:

We write to determine whether the U.S. Agency for International Development (USAID) complied with federal law when it conducted a rushed disposal of classified and personnel records on March 11, 2025, and in any subsequent disposals. We are alarmed that the nature of your appointment to concurrently serve as the Secretary of State, Acting USAID Administrator, and Acting Archivist of the United States presents a fundamental conflict of interest that harms the political and functional independence of federal agencies and the integrity of their missions, with concerning implications for federal records management practices. We request documents and information related to any and all disposal directives related to USAID and additional documentation of your compliance with all federal laws governing the retention of records.

On March 11, 2025, public reports detailed that a senior USAID official issued a memo to staff to conduct a document disposal of components in “classified safes and personnel documents” located in USAID’s headquarters. This event was reportedly scheduled for Tuesday, March 11, 2025, at 9:30 a.m. and the directive stated that employees must “[s]hred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break.”¹ If any such records were destroyed in violation of the Federal Records Act, which governs preservation and handling of federal records, you—as Acting USAID Administrator—would be required to report such violation to yourself as Acting Archivist.

In a March 12, 2025, legal filing, Acting USAID Executive Secretary Erica Carr stated that the “vast majority of the removed documents” have original copies that are retained by USAID or other government agencies, which raises questions about the retention status of the documents not in the “vast majority” Ms. Carr described. In the March 12th filing, Ms. Carr did not present comments regarding the *full and complete* scope of documents marked or destroyed in the March 11, 2025, document disposal, nor did she provide a copy of the email she alleges

¹ *USAID Employees Told to Burn or Shred Classified Documents*, NBC News (Mar. 11, 2025) (online at www.nbcnews.com/politics/trump-administration/usa-id-employees-told-burn-shred-classified-documents-rcna195853).

was sent “directly to 34 staff assisting in this matter to retain any originally classified USAID documents if they had not met their retention requirement in accordance with the disposition schedule” approved by the National Archives and Records Administration (NARA), nor any documentation that such a directive was followed.²

As you are aware, the Federal Records Act is the primary statute governing record-keeping and disposition requirements for federal agencies and establishments. The Federal Records Act ensures official business of the federal government, including classified information, is properly preserved and accessible to the American public. NARA engages individual agencies to negotiate record schedules to preserve federal materials and ensure legal compliance. If the directive to shred classified and personnel documents held in USAID offices constitutes any change in the retention period for those files, the Federal Records Act would require agency officials to obtain approval from NARA and publish such changes to any records schedule in the federal register.³ The Committees are not aware of any such notice.

Additionally, the destruction of an unknown quantity and scope of documents in possession of USAID occurred while federal courts heard cases on the legality of the Trump Administration’s efforts to shut down USAID. Notably, a federal judge ruled on March 18, 2025, that efforts by President Trump’s Department of Government Efficiency, led by Elon Musk, to dismantle USAID “likely violated the United States Constitution.”⁴

This situation highlights the grossly inappropriate nature of your appointment as Acting Archivist of the United States while you concurrently serve as a Senate-confirmed Secretary of State and Acting USAID Administrator and deepens our concerns about the haphazard way in which the Trump Administration has recklessly dismantled USAID despite its establishment in law as an independent agency. As you know, the Archivist of the United States is chiefly responsible for overseeing federal government records management and preservation, including the planning, development, and administration of federal policies and procedures for such federal records.⁵ Your temporary appointment to NARA presents a fundamental conflict of interest that undermines Congress’s intent with the Federal Records Act and the integrity of NARA.

² Declaration of Erica Carr, *American Foreign Service Association, et al., v. President Donald J. Trump, et al.*, D.D.C. (Mar. 12, 2025) (Document 59-1) (1:25-cv-00352-CJN) (online at <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277213/gov.uscourts.dcd.277213.59.1.pdf>).

³ National Archives and Records Administration, *NARA Schedule Review and Approval Process* (online at www.archives.gov/records-mgmt/scheduling/nara-review) (accessed Mar. 17, 2025).

⁴ *Judge Finds Elon Musk and DOGE’s Shutdown of USAID Likely Unconstitutional*, CBS News (Mar. 18, 2025) (online at www.cbsnews.com/news/judge-finds-doges-usaid-shutdown-likely-unconstitutional/); *Memorandum Opinion* (Document 73), *J. DOES 1-26 v. Elon Musk, United States DOGE Service, and The Department of Efficiency* (8:25-cv-00462-TDC) (Mar. 18, 2025) (online at <https://storage.courtlistener.com/recap/gov.uscourts.mdd.576293/gov.uscourts.mdd.576293.73.0.pdf>).

⁵ National Archives and Records Administration, *NARA 101, Part 1. Office of the Archivist of the United States* (online at www.archives.gov/foia/directives/nara101-part01) (accessed Mar. 17, 2025).

Moreover, the independence and performance of NARA demands a clear division between the regulatory authority of an agency (NARA) and regulated agencies (e.g., USAID and State Department). Your triple-hatted role is not only logistically and ethically incoherent, it undermines public trust in all three roles to which you are supposedly devoting the full attention required. NARA requires a fully engaged Archivist whose sole focus is maintaining the agency's vital independent status and essential services which include, as you know, ensuring that veterans have timely access to their service records.⁶

Given our concerns, we request that you immediately conduct an internal investigation of all records disposal activities conducted on or after March 11, 2025, and provide the following information by April 7, 2025:

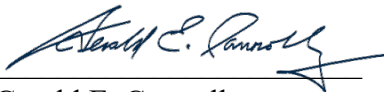
1. Unredacted copies of all emails from Erica Carr, Acting Executive Secretary, USAID, regarding the March 11, 2025, document disposal, and any additional communications regarding disposal activities conducted thereafter;
2. A full and complete list of the documents in possession of USAID that were disposed of or marked for disposal, pursuant to the March 11, 2025, document disposal or any disposal activities conducted thereafter, including the nature and content of such documents;
3. All documents and information sufficient to show that federal law, policies, and procedures were followed in all cases to identify the original copy of each record in possession of USAID, pursuant to the March 11, 2025, document disposal or any disposal activities conducted thereafter, including:
 - a. Complete and unredacted copies of any record control schedules for all records in possession of USAID directed for the "shredder" or "burn bags," pursuant to the March 11, 2025, document disposal or any disposal activities thereafter; and
 - b. Documents and information sufficient to show that USAID has in its possession a physical copy or electronic version of all documents disposed of or marked for disposal, including all originally classified USAID documents and current classified program files, pursuant to the March 11, 2025, document disposal or any disposal activities thereafter;
4. All documents sufficient to show the records disposition guidelines that apply to USAID and the State Department for Federal Records Act purposes;

⁶ National Archives and Records Administration, *About the National Archives of the United States* (online at www.archives.gov/publications/general-info-leaflets/1-about-archives.html) (accessed Mar. 17, 2025).

5. All documents or communications referring or relating to an alteration or change to the retention period(s) for all records in the possession of USAID directed for the “shredder” or “burn bags,” pursuant to the March 11, 2025, document disposal or any disposal activities thereafter; and
6. All documents or communications between employees of USAID and NARA referring or relating to any changes to or considerations of federal record retention guidance.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee also has legislative jurisdiction over national archives and public information and records, and the information requested will inform legislation on such topics. The Committee on Foreign Affairs has oversight responsibility for, and legislative jurisdiction over, the activities of the Department of State and the U.S. Agency for International Development. If your staff have any questions regarding this request, please contact Oversight Committee Democratic staff at (202) 225-5051.

Sincerely,



Gerald E. Connolly
Ranking Member
Committee on Oversight and Government
Reform



Gregory Meeks
Ranking Member
Committee on Foreign Affairs

cc: The Honorable James Comer, Chairman
Committee on Oversight and Government Reform

The Honorable Brian Mast, Chairman
Committee on Foreign Affairs