

United States Senate

WASHINGTON, DC 20510

March 21, 2025

The Honorable Marco Rubio
Acting Administrator
United States Agency for International Development (USAID)
1300 Pennsylvania Ave NW
Washington, D.C. 20004

Dear Acting Administrator Rubio,

We write regarding recent efforts to dispose of records at the United States Agency for International Development (USAID). A March 11 directive to staff outlined a planned effort to dispose of USAID documents and records, including classified information and personnel documents through burn bags and shredding purges.

In light of that effort, we are seeking information about USAID's compliance with the Federal Records Act.

The March 11 directive, attached to this letter, thanks recipients for their help in clearing out classified safes and personnel documents from the Ronald Reagan Building. It then instructs recipients to "shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break."¹ While not all federal records are required to be preserved permanently, the FRA requires that records only be disposed of in accordance with an approved records schedule.² The email does not make any distinction between categories of federal records, and does not make any reference to approved agency records schedules. It is unclear whether additional orders were conveyed by other means.

In a court filing last week, attorneys from the Department of Justice asserted that these disposals did not violate the FRA because "they were copies of documents from other agencies or derivatively classified documents, where the originally classified document is retained by another government agency and for which there is no need for USAID to retain a copy."³ This explanation is insufficient. The law requires that federal agencies submit proposed disposition schedules to the National Archives and Records Administration (NARA), and that together the agencies and NARA determine when the records may be destroyed. This determination is not based on whether copies exist at other agencies, or whether classified documents are classified

¹ Edward Wong, *U.S.A.I.D. Official Orders Employees to Shred or Burn Classified and Personnel Records*, New York Times (Mar. 11, 2025) (<https://www.nytimes.com/2025/03/11/us/politics/usaid-shred-burn-documents.html>).

² See 44 U.S.C. Ch. 33.

³ Lucien Bruggeman, *Trump administration says handling of USAID documents 'did not violate' federal laws*, ABC News (Mar. 12, 2025) (<https://abcnews.go.com/US/trump-administration-handling-usaid-documents-violate-federal-laws/story?id=119731105>).

derivatively, but rather on whether the records possess “sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.”⁴

Additionally, the March 11 directive referred to clearing out personnel documents. It is not clear why another federal agency would have copies of USAID personnel documents or whether there is a planned retention process for these documents.

As such, we request that you provide complete responses to the following no later than Friday, March 28, 2025:

1. All records disposition schedules relevant to the records referred to the March 11, 2025 directive and relevant to any other records shredded, burned, placed into burn bags, or otherwise removed from USAID offices at the Ronald Reagan Building since January 20, 2025 and not yet moved to a new USAID storage location.
2. All communications regarding the March 11, 2025 directive, including any guidance or directive from other USAID officials, questions or comments from recipients of the directive, and any additional clarifying instructions provided by Ms. Carr to recipients of the directive.
3. All communications between USAID officials and any officials at NARA regarding records preservation or disposition since January 20, 2025.
4. The status of USAID personnel records, including whether any have been destroyed.

As a reminder, under 18 U.S.C. § 2071, any unauthorized destruction or removal of federal records could result in penalties that include fines, imprisonment, and loss of government office. Similarly, any destroyed or removed records relevant to ongoing federal investigations related to mass layoffs or termination of grants, may be subject to 18 U.S.C. § 1519. Moreover, we have both previously written USAID officials about their obligations to preserve documents. On February 6, 2025, Ranking Member Shaheen wrote to a number of USAID officials requesting that they preserve documents. On March 6, 2025, Ranking Member Peters wrote executive branch agencies, including USAID, directing you to comply with the law governing preservation of federal records.⁵

We look forward to your prompt response regarding USAID’s compliance with the Federal Records Act and other obligations to preserve documents.

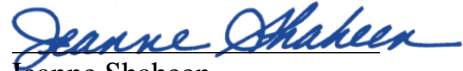
Sincerely,

⁴ 44 U.S.C. § 3303.

⁵ Letter from Sen. Gary C. Peters to Acting Administrator Rubio, et al (Mar. 6, 2025) (<https://www.hsgac.senate.gov/library/files/250306-peters-letter-to-agencies-on-records-preservation/>).



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs



Jeanne Shaheen
Ranking Member
Committee on Foreign Relations

Attachment A

Good afternoon,

Thank you for your assistance in clearing our classified safes and personnel documents from the RRB. The event will take place all day **tomorrow, March 11, beginning at 9:30am.**

Please meet at the RRB 14th Street Lobby at 9:30a.m. However, if you cannot be there at that exact time your badge will be programmed for access to your work area.

Shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break.

If you need to use the burn bags, do not overfill, and ensure the burn bag can be closed with staples at the top.

The only labeling required on the burn bags are the words "SECRET" and "USAID/(B/IC)" in dark sharpie if possible.

If you need additional burn bags or sharpie markers, please let me or the SEC InfoSec team know.

Thank you so much,



USAID