



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 11, 2025

Mr. Marco Rubio
Acting Archivist of the United States
Acting Administrator for the United States Agency for International Development
National Archives and Records Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

Mr. James Byron
Senior Advisor to the Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

Ms. Sandra J. Lewis
Acting Inspector General
U.S. Department of State
1700 North Moore Street (SA-39)
Arlington, VA 22209

Re: Notice of Potential Failure to Preserve, Removal or Destruction of Federal Records by USAID

Dear Mr. Rubio, Mr. Byron and Ms. Lewis:

We write to alert you of the potential destruction of federal records by the United States Agency for International Development (“USAID”) and its staff. As detailed below, we request the National Archives and Records Administration (“NARA”) immediately investigate and take appropriate remedial action in response to any failure by USAID or its staff to preserve federal records.

On March 11, 2025, news outlets obtained an email from Acting Executive Secretary of USAID to USAID staff thanking them for their assistance in “clearing . . . classified safes and personnel documents.”¹ The email instructs staff to “[s]hred as many documents first, and

¹ See Eoin Higgins (@EoinHiggins_), X (Mar. 11, 2025, 9:32 AM), <https://x.com/eoinhiggins/status/1899453433909838101?s=46&t=8oTcWqYc1Hld-0GUxc3lzg>; Sara Cook (@saraecook), X (Mar. 11, 2025, 12:50 PM), <https://x.com/saraecook/status/1899503231765446853>; Brett Murphy

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reserve the burn bags for when the shredder becomes unavailable or needs a break” and indicates the clearing will “take place all day” on March 11.²

The FRA imposes on USAID the obligation to “make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions” of the agency. 44 U.S.C. § 3101. Further, the FRA “strictly limits the circumstances under which records can be removed from federal custody or destroyed.”³ NARA regulations outline that “[t]he penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both.” 36 CFR § 1230.12 (citing 18 U.S.C. §§ 641, 2071).

The FRA further imposes on “[t]he head of each Federal agency” the obligation to “notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency” and “with the assistance of the Archivist” to “initiate action through the Attorney General for the recovery of [those] records.” 44 U.S.C. § 3106(a). Absent such action by the Administrator of USAID, the FRA requires NARA itself to “request the Attorney General to initiate such an action” and notify the Congress.

USAID’s apparent destruction of federal records appears to violate its statutory record keeping requirements. We request that NARA take appropriate action, including instructing USAID to immediately cease the destruction of records, to manage and preserve any federal records, and to report any unlawful removal, alteration, or destruction of records to NARA. Please promptly confirm in writing that the agencies have commenced the requested actions. Please direct any communications about this matter to Nikhel Sus at alerts@citizensforethics.org.

Sincerely,



Nikhel Sus
Citizens for Responsibility and Ethics in
Washington

cc: William P. Fischer, Acting Chief Records Officer, National Archives and Records Administration

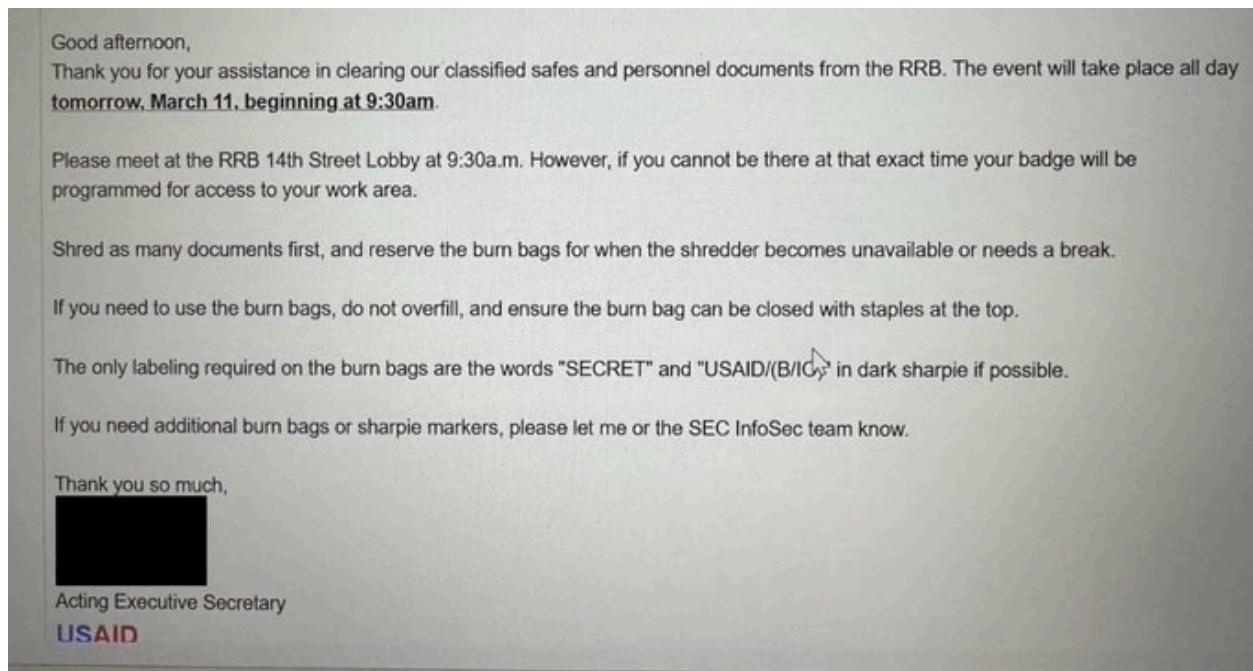
(@BrettMmurphy), X (Mar. 11, 2025, 11:40 AM), <https://x.com/BrettMmurphy/status/1899485474088976605>; see Attach. 1, Image 1.

² *Id.*

³ *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 953 (D.C. Cir. 2016) (citing 44 U.S.C. § 3105(1)).

Attachment 1

Image 1:



See Sara Cook (@saraecook), X (Mar. 11, 2025, 12:50 PM),
<https://x.com/saraecook/status/1899503231765446853>.