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United States Senate

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November 7, 2020

The Honorable Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Scalia,

In light of the upcoming transition from President Donald Trump's administration to President-elect Joe Biden's administration, I am writing to remind you of the critical importance that records are preserved and managed appropriately under the Federal Records Act (FRA). These records are important to ensure a smooth transition between presidential administrations.

Pursuant to the FRA, the Department of Labor must preserve all records that document "the transaction of public business" or contain "informational value." As Secretary, you are required to "make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency...."⁵ These protections extend to all types of information, whether stored physically, digitally, or electronically.⁶

Any agency employee who "willfully and unlawfully" conceals, removes, mutilates, obliterates, destroys, or attempts any such action against a federal record, is subject to fine and/or imprisonment for up to three years.⁷ Any federal office holder convicted of violating the FRA can lose his or her position and can be disqualified from holding future federal office. You have the obligation to affirmatively inform the Archivist of any actual, impending, or threatened unlawful action against records at your agency.⁸

I appreciate your timely attention to this matter.

Sincerely,



PATTY MURRAY

Ranking Member

U.S. Senate Committee on Health, Education, Labor, and Pensions

⁵44 U.S.C. § 3301(a)(1)(A); 44 U.S.C. § 3101.

⁶44 U.S.C. § 3301(a)(2).

⁷18 U.S.C. § 2071(b).

⁸44 U.S.C. § 3106(b).