ANDREW R. GARBARINO, NEW YORK
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER



One Hundred Nineteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

November 4, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mullin:

To assist the Committee in carrying out its oversight responsibilities in the 120th Congress, I demand the Department of Homeland Security (DHS) comply with all document preservation requirements, in accordance with applicable Federal laws, and respond to all outstanding requests from the Committee.

As you are aware, the Federal Records Act (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."[1] Under 44 U.S.C. § 3101, the head of each Federal agency is required to "make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency." Pursuant to 44 U.S.C. § 3301(a)(2), these protections extend to all types of information, whether stored physically, digitally, or electronically. As such, this requirement encompasses such items as tweets and all other forms of social media posts as well as press releases, among other records.

Federal officials and employees who violate the FRA are subject to criminal penalties. Under 18 U.S.C. § 2071(b), 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. In addition, any Federal office holder convicted of violating the FRA can lose his/her position and can be disqualified from holding future Federal office. Moreover, under 44 U.S.C. § 3106(b), you have a responsibility to notify the Archivist of any actual, impending, or threatened unlawful action against records at your agency.

The Committee intends to closely observe the compliance of the Department—and all its components—with these preservation requirements. **The Committee expects to receive by November 11, 2026, assurances, in writing, that Departmental records, documents, data, and information have not been and will not be destroyed, modified, removed, transferred, or otherwise rendered inaccessible.**

[1] 44 U.S.C. § 3301(a)(1)(A).

The Department's repeated refusal to cooperate with the Committee's oversight requests—which are essential to effectuating the separation of powers established by the U.S. Constitution—stands in direct contravention of the legal obligations of the Department. In the 120th Congress, the Committee intends to address the Trump administration's assault on the rule of law and hold those responsible accountable. **I therefore renew all requests made during the 119th Congress and expect all requested information and documents to be produced without further delay, and in no case later than December 2, 2026.**

Sincerely,



Bennie G. Thompson
Ranking Member
Committee on Homeland Security

cc: The Honorable Andrew R. Garbarino, Chairman
Committee on Homeland Security