OFFICE OF WHITE HOUSE COUNSEL
THE WHITE HOUSE

November 18, 2026

Ranking Members
Committees of the United States Senate
Committees of the United States House of Representatives
United States Congress
Washington, DC

In the days since the November 3, 2026 election, several Ranking Members have sent letters to the Executive Branch demanding documents or information. Some of these letters imply, without evidence, that thousands of United States government employees are conspiring to destroy documents in violation of the Federal Records Act.[1] One accuses law enforcement officials of engaging in "unprecedented violence across the nation."[2] All drip with an animus or pettiness revealing that the purpose of these letters is not legitimate oversight but to harass and aggrandize.

The Executive Branch has a longstanding policy that departments and agencies will comply with "Congressional requests for information"[3] only after receiving "an authorized oversight request that is in furtherance of a legitimate legislative purpose."[4]

Another longstanding Executive Branch policy has been "to engage in the established process for accommodating congressional requests for information only when those requests come from a committee, subcommittee, or chairman authorized to conduct oversight."[5] That is because Congress's ability "to conduct oversight . . . may be exercised only by each house of Congress or, under existing delegations, by committees and subcommittees (or their chairmen)."[6] "Individual members of Congress, including

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[1] *See, e.g.*, Letter from Robert C. Scott, Ranking Member, H. Comm. on Educ. & Workforce, to Keith E. Sonderling, Sec'y, U.S. Dep't of Labor (Nov. 4, 2026).
[2] Letter from Richard Blumenthal, Ranking Member, Permanent Subcomm. on Investigations, S. Comm. on Homeland Sec. & Governmental Affs., to Markwayne Mullin, Sec'y, U.S. Dep't of Homeland Sec. (Nov. 5, 2026).
[3] Memorandum for the Heads of Executive Departments and Agencies from Ronald Reagan, *Procedures Governing Responses to Congressional Requests for Information*, at 1 (Nov. 4, 1982).
[4] *Congressional Oversight of the White House*, 45 Op. O.L.C. (Jan. 8, 2021) (slip op. at 37).
[5] *Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch*, 41 Op. O.L.C. 76, 76–77 (2017).
[6] *Id.* at 76.

ranking minority members, do not have the authority to conduct oversight in the absence of a specific delegation by a full house, committee, or subcommittee."[7]

Your demands do not reflect a request of the House, Senate, or a committee to which that body's oversight authority has been delegated. As a result, Ranking Member requests in the 119th Congress do not trigger any obligation to "accommodate[e] . . . the needs of the conflicting branches."[8] Although some of you may (or may not) become a Chair in the 120th Congress, that does not mean that requests from the 119th Congress carry over.

This should not be surprising to you given the Biden Administration took the same position in 2022.[9]

We recognize that in the future, many of you may be able to issue oversight requests on behalf of a committee, the House of Representatives, or the Senate. The Trump Administration is committed to working with future Chairs consistent with the Executive Branch's constitutional and statutory obligations and applicable limits on the oversight authority of Congress, including that any requests be made in furtherance of a legitimate legislative purpose. Our commitment in this respect, though, is of course colored and qualified by the "pettiness" promised by one potential incoming Chair and numerous other similar statements, which we believe indicate that you and your colleagues may inappropriately seek to use oversight investigations to harass individuals with meritless claims.[10]

Thanks,

William O. Scharf
Counsel to the President

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[7] *Id.*
[8] *United States v. Am. Tel. & Tel. Co.*, 567 F.2d 121, 127 (D.C. Cir. 1977).
[9] Letter from Richard Sauber, Special Counsel to the President, to James Comer, Ranking Member, H. Comm. on Oversight & Reform (Dec. 29, 2022); Letter from Richard Sauber, Special Counsel to the President, to Jim Jordan, H. Comm. on the Judiciary (Dec. 29, 2022); Heidi Przybyla, *White House to Jim Jordan, James Comer: Sorry, But You Have to Restart Your Oversight Requests*, POLITICO (Dec. 29, 2022), https://www.politico.com/news/2022/12/29/jim-jordan-james-comer-oversight-requests-00075710.
[10] Statement of Robert Garcia, Ranking Member, H. Comm. on Oversight & Gov't Reform, "Lawyer Up" Panel Address at Crooked Con (Nov. 7, 2026).