

Congress of the United States
Washington, DC 20515

August 20, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Joseph V. Cuffari
Inspector General
Department of Homeland Security

Dear Inspector General Cuffari:

We write today seeking additional information about allegations that the Biden-Harris Department of Homeland Security (“Department”) is restricting the DHS Office of Inspector General’s (“DHS OIG”) ability to conduct work and provide information to Congress. This includes information about the Department of Homeland Security (“Department”) and United States Secret Service’s (“USSS”) interactions and communication with your office in the process of completing recent reports.¹ As Members of Congress who expect transparency and accountability within the Federal Government, we are very troubled about these allegations.² As a result of the alleged DHS OIG access issues and the hurdles we’ve faced in obtaining unredacted reports, we are concerned that the Biden-Harris administration’s actions against the DHS OIG will extend to the ongoing reviews relating to the assassination attempt against former President Trump and request that any report be provided to Congress in unredacted form.

The Department’s Assistant Secretary for Legislative Affairs asserted in an August 1, 2024, letter that there must be “appropriate safeguards” on information the DHS OIG provides to Congress.³ The letter further states that “sensitivity reviews [on OIG reports] prevent the public release of information that could harm the national security or law enforcement missions of the Department. They do not prohibit the release of sensitive information to Congressional committees.”⁴ These statements from the Department, in conjunction with redactions placed on multiple reports, illustrates our primary concern—that the Department is creating a chilling effect regarding information the DHS OIG wishes to share with Congress and is imposing improper access restrictions. Simply put, absent a legitimate assertion of Executive Privilege, there is no category of information that Congress cannot receive.

An August 2, 2024, letter from your office sheds more light on this matter.⁵ That letter stated, in part, that the Department’s “continued delays and denials have significantly impacted the timeliness of our audits and inspections and have hampered our ability to obtain and proactively analyze data that would assist in identifying risks.”⁶ Your letter noted that the information your office requests is needed for OIG staff to “do our jobs and to which we are entitled, consistent with the law” and further states that “despite our continued reporting of these

¹ This includes work performed in order to produce: The Department of Homeland Security Office of the Inspector General, Final Report: *The Secret Service’s Preparation for, and Response to, the Events of January 6, 2021* (July 31, 2024), OIG-24-42. <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-42-Aug24-Redacted.pdf>. A heavily redacted version of the report was submitted to Congress on August 1, 2024. Subsequently, on August 2, 2024, a representative from the Department contacted select Congressional staff offering an *in camera* review of this report.

² *Id.*

³ Letter from Zephrairie Buetow to Barry Loudermilk (Aug. 1, 2024). (on file with the Subcommittee on Oversight).

⁴ *Id.*

⁵ Letter from DHS Inspector General Joseph V. Cuffari to Senator Charles E. Grassley (Aug. 2, 2024). See: https://www.grassley.senate.gov/imo/media/doc/dhs_oig_to_grassley_-_trump_assassination_attempt.pdf.

⁶ *Id.*

[DHS access] issues, we have yet to see satisfactory resolution.”⁷ As evidenced in DHS OIG’s Semiannual Reports (“SAR”) for September 30, 2021, and each subsequent SAR thereafter, there’s been documented OIG access issues. DHS OIG SARs from October 2016 through March 31, 2021 generally did not report access issues.⁸ However, OIG reports from April 1, 2021 through September 20, 2023 do mention serious access issues.⁹ The one exception was a Secret Service Protective Operations Mission Efforts report where Secret Service declined to provide requested information citing national security concerns.¹⁰ While *any* issues are unacceptable, this case did not carry over to subsequent reporting periods, or result in a pattern of attempts to restrict or delay access to information, like we are currently seeing with the Biden-Harris administration.¹¹ Let us remind you that federal law requires that IG’s “have timely access to all records” so that the IG community can perform full and complete reviews for the purpose of fully informing Congress.¹²

DHS OIG has further reported that the Secret Service significantly delayed access to information, impeding the progress of their reviews.¹³ Examples of access issues that your office has faced include a seven-month delay receiving emails from Secret Service and Secret Service asking for a reduced production scope, stating it had “support from others in the Department,” despite clear interest from multiple congressional committees in the matter, which clearly suggests the legitimacy of such a request.¹⁴

⁷ *Id.*

⁸ DHS Office of Inspector General, *Semiannual Report to Congress October 1, 2020 – March 31, 2021*.

<https://www.oig.dhs.gov/sites/default/files/assets/SAR/2021/oig-sar-oct20-mar21.pdf> (PDF Pg. 58).; DHS Office of Inspector General, *Semiannual Report to Congress April 1, 2020 – September 30, 2020*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2020/oig-sar-apr20-sep20.pdf>. (PDF Pg. 54).; DHS Office of Inspector General, *Semiannual Report to Congress October 1, 2019 – March 31, 2020*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2021/oig-sar-oct19-mar20.pdf>. (PDF Pg. 53). DHS Office of Inspector General, *Semiannual Report to Congress October 1, 2018 – March 31, 2019*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2019/oig-sar-oct18-mar19.pdf>. (PDF Pg. 61).; DHS Office of Inspector General, *Semiannual Report to Congress April 1, 2018 – September 30, 2018*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2018/oig-sar-apr18-sep18.pdf>. (PDF Pg. 58).; DHS Office of Inspector General, *Semiannual Report to the Congress October 1, 2017 – March 31, 2018*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2018/oig-sar-oct17-mar18.pdf>. (PDF. Pg. 57).; DHS Office of Inspector General, *Semiannual Report to the Congress April 1, 2017 – September 30, 2017*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2017/oig-sar-apr17-sep17.pdf>. (PDF. Pg. 56).; DHS Office of Inspector General, *Semiannual Report to the Congress October 1, 2016 – March 31, 2017*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2017/oig-sar-oct16-mar17.pdf>. (PDF. Pg. 49).

⁹ DHS Office of the Inspector General, *Semiannual Report to the Congress, April 1, 2021 – September 30, 2021*.

<https://www.oig.dhs.gov/sites/default/files/assets/SAR/2021/oig-sar-apr21-sept21.pdf>. (Pg. 19); DHS Office of the Inspector General, *Semiannual Report to the Congress, October 1, 2021- March 31, 2022*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2022/oig-sar-oct21-mar22.pdf>. (Pg. 15); DHS Office of the Inspector General, *Semiannual Report to the Congress, April 1 2022 – September 30, 2022*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2022/oig-sar-apr22-sept22.pdf>; DHS Office of Inspector General, *Semiannual Report to the Congress, October 1, 2022 – March 31, 2022*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2023/oig-sar-oct22-mar23.pdf>; and DHS Office of Inspector General, *Semiannual Report to the Congress, April 1, 2023 – September 30, 2023*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2024/oig-sar-apr23-sept23.pdf>.

¹⁰ DHS Office of the Inspector General, *Semiannual Report to the Congress April 1, 2019 – September 30, 2019*.

<https://www.oig.dhs.gov/sites/default/files/assets/SAR/2019/oig-sar-apr19-sept19.pdf>. (PDF Pg.56).

¹¹ Based on our review of SAR reports that followed, including DHS Office of Inspector General, *Semiannual Report to Congress October 1, 2019 – March 31, 2020*. <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2021/oig-sar-oct19-mar20.pdf>. (PDF Pg. 53).

¹² 5. U.S. Code § 406(a).

¹³ The Department of Homeland Security Office of the Inspector General, Final Report: *The Secret Service’s Preparation for, and Response to, the Events of January 6, 2021* (July 31, 2024), OIG-24-42.

¹⁴ *Id.* See US Secret Service Response letter to DHS OIG, Pg. 67.

It is clear that some of the access issues outlined by your office show signs of much needed improvements in cooperation and communication from the Department, which is unfortunately a common trend in the Department's actions. We have seen the seriousness of the consequences, such as the actions that transpired on July 13, 2024, when former President Trump was nearly assassinated, one innocent man was killed, and two others seriously injured. Yet, the Department's continued actions don't lend much credibility and may cause unnecessary harm.

Inspectors General play an important oversight role to ensure integrity and efficiency in government. Congress expects total transparency and full cooperation from the Department with the DHS OIG and timely access to all records as required by law.¹⁵ Additionally, Congress expects that the Department will not attempt to stop the DHS OIG from disclosing information to Congress or pose access issues to DHS OIG that can affect its ongoing or future work in any way, with specific emphasis on the work being done with respect to the attempted assassination against former President Trump.

Therefore, we request the following no later than August 27, 2024:

1. From January 2021 to the present, all written communication from the Department or USSS indicating that either were not going to comply with a request for information from the DHS OIG regarding the August 1, 2024, report.
 2. From January 2021 to the present, all written communication from the Department or USSS indicating the DHS OIG's future access to Department or USSS information may be revoked if DHS OIG provides information to Congress without the prior approval of the Department.
 3. A timeline of each step of the August 1, 2024, review, including the initiation, requests made to federal agencies, completion of the investigation, finalization of your report, and any notifications to the Department or to USSS as part of the completion of your report.
 4. A timeline of each communication with the Department or USSS with respect to the Department and USSS review of the August 1, 2024, report, including the dates which the report was provided to each agency and the date returned to DHS OIG, the dates of any correspondence received or sent to the Department or USSS related to this review process, and a complete and unredacted report, titled, *United States Secret Service Preparation for and Response to the Events of January 6, 2021*.
 - a. If you do not believe you have the authority to do this, please provide the specific communication from the Department instructing you not to comply with this request.
 5. A status update on the third outstanding DHS OIG report regarding January 6, titled, *DHS Law Enforcement Preparation for and Response to the January 6, 2021 Events at the U.S. Capitol*.
 6. The written requests from either the Department or USSS to redact portions of the report provided to Congress on August 1, 2024, including the statutory justification for these redactions.
 7. All written requests from either the Department or USSS to redact portions of the August 1, 2024, report provided to the American public.
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¹⁵ 5. U.S. Code § 406(a).

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8. Confirm in writing what information the DHS OIG has requested from the Department and what steps the Department has taken to comply with the DHS OIG's review into the assassination attempt against former President Trump on July 13, 2024.

If DHS OIG feels they are unable to provide any of the above to Congress at the insistence of the Department, please provide all documents and communications where the Department instructed the DHS OIG not to comply.

Thank you for your cooperation with this important oversight matter and demonstrating your commitment to ensuring the continued transparency in the Federal Government.

Sincerely,



Charles E. Grassley
Ranking Member
Senate Committee on the Budget



Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration