

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR  
PAMELA THIESSEN, MINORITY STAFF DIRECTOR  
LAURA W. KILBRIDE, CHIEF CLERK

August 10, 2022

The Honorable Joseph Cuffari,  
Inspector General  
U.S. Department of Homeland Security  
Office of the Inspector General  
245 Murray Lane SW  
Washington, DC 20528

Dear Inspector General Cuffari,

I am writing to request that you clarify troubling allegations that contradict the information you recently shared with me and my staff regarding your investigation into the missing U.S. Secret Service (USSS) text messages. I also request that you provide me with a full accounting of the efforts your office is taking to recover missing information from the period immediately prior to and during the January 6<sup>th</sup> attack on the U.S. Capitol that was removed from the cell phones of Secret Service agents and high-ranking former officials at the Department of Homeland Security (DHS).

On July 13, 2022, in a letter to me, Ranking Member Portman, and House Homeland Security Committee Chair Thompson and Ranking Member Katko, you alerted Congress for the first time that your office was investigating “U.S. Secret Service (USSS) text messages, from January 5 and 6, 2021, [that] were erased as part of a device-replacement program” and that the Department was delaying your review.<sup>1</sup> You subsequently announced a criminal probe and requested that the Secret Service halt any internal investigations into the text message deletions.<sup>2</sup> Following these actions, you met with me and explained the timeline of actions your office has taken to date to recover this information.

However, according to recent public reports, including allegations from whistleblowers and a former employee of your office, you or members of your leadership team have taken steps that appear to be in direct conflict with necessary efforts to identify any wrongdoing and recover missing information surrounding the January 6<sup>th</sup> attack on the U.S. Capitol.<sup>3</sup> Specifically, these

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<sup>1</sup> Letter from Inspector General Joseph V. Cuffari, Department of Homeland Security, to Chairman Peters and Ranking Member Portman and Chairman Thompson and Ranking Member Katko (July 13, 2022).

<sup>2</sup> *Watchdog launches criminal probe over missing Secret Service messages*, Washington Post (July 21, 2022) (<https://www.washingtonpost.com/national-security/2022/07/21/oig-secret-service-texts/>).

<sup>3</sup> *Homeland Security watchdog halted plan to recover Secret Service texts, records show*, Washington Post (July 29, 2022) (<https://www.washingtonpost.com/national-security/2022/07/29/homeland-inspector-general-texts/>);

reports allege that senior officials in your office directed DHS OIG staff with forensic expertise on recovery issues like the one in question to “stand down” on pursuing efforts to recover information from Secret Service phones and changed plans from retrieval and recovery of phone information to instead have agencies report to the OIG any details about unavailable information the agencies may be aware of.<sup>4</sup> Reports also allege that your office knew much earlier than you have previously stated that this information had been deleted, and also knew that other DHS leadership phone data, including from the former DHS Secretary and Acting Deputy Secretary, had been deleted, but did not share that information with Congress.<sup>5</sup>

These are serious allegations and diverge from the information that you previously provided me and my team. The USSS text messages, as well as the alleged missing text messages and phone data of former DHS Secretary Wolf, Acting Deputy Secretary Cuccinelli, and current Deputy Under Secretary for Management Alles could be essential in the investigation into the lead up and response to the January 6<sup>th</sup> attack on the Capitol. Mishandling these materials could seriously affect our ability as a nation to understand what happened that day.

Therefore, I am requesting that you provide me with a complete accounting of actions planned and taken by your office and clarify the inconsistencies in what has been reported to date. Specifically, please identify the following:

1. When did your office first learn that the USSS texts were deleted?
2. When did your office first request that the USSS preserve their text messages? In what form was this request made?
3. Did you alert Secretary Mayorkas of these deletions as required under the Inspector General Act of 1978? If so, when did you alert Secretary Mayorkas, and will you provide a copy to the Committee?
4. What communications were sent to the USSS directing preservation of records, including text messages? Were those communications ever modified and if so, how?
5. Why did Deputy IG Kait send an email to the USSS in July 2021 telling them that text messages were no longer required?
6. When did your office first learn that Mr. Cuccinelli had used his personal phone in the course of conducting official business? What actions did your office take when it learned this information?

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Project on Government Oversight, *Missing: More January 6 Texts Sought by Congress*, (July 28, 2022) (<https://www.pogo.org/investigation/2022/07/missing-more-january-6-texts-sought-by-congress>).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

7. Did you request messages sent using personal messaging accounts or devices from USSS or DHS as part of your January 6<sup>th</sup> inquiry?
8. What was the timeline in which you requested and received records, including text messages, from other DHS law enforcement components and did you have any challenges accessing those records?
9. What actions did your office take to contact any DHS component to support data retrieval efforts and when were these actions taken? Were these actions ever modified and if so how?
10. Are you aware of any efforts, either by USSS or by your office, to recover the deleted text messages?
  - a. Were any devices using Apple's iCloud for backups, and if so, are you aware of any steps USSS has taken to fully explore options with Apple to recover backups?
  - b. Were any messages preserved in another cloud system? If so, are you aware of any steps USSS has taken to recover messages from that system?
11. When did your Office first learn that DHS officials' phones had been erased? Who are these officials and what actions did your office take?
12. Why did you choose not to include specific information about the USSS text deletions and other delays in the agency's response to your requests for information in the OIG's last two Semiannual Reports, as required by the IG Act (5a U.S.C. § 5 (a)(21)(B))?
13. Did you at any time consider issuing a Management Alert to address challenges with recovering the USSS text messages or any other issues in accessing materials in this investigation?
14. What is your own office's policy with regards to retention of text messages?

I appreciate that you have an ongoing investigation into these matters. Nevertheless, it is essential that I have full confidence and faith in your work. In light of the divergence between the information you have provided me and information that has otherwise come to light, I request that you provide this clarifying information, and any additional information that supports your answers to these questions, no later than August 17, 2022.

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Further, I am still awaiting your response to my letter of July 22, 2022 and would appreciate your prompt reply to that letter as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary C. Peters", written in a cursive style.

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Gary C. Peters  
Chairman