



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

August 9, 2023

The Honorable Mark E. Green, MD
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Chairman Green:

We write to request a hearing concerning the leadership and performance of the Department of Homeland Security (DHS) Inspector General (IG), Joseph V. Cuffari. The Committee has been engaged in a longstanding investigation into his tenure as DHS IG and has repeatedly raised concerns about the Office of Inspector General's (OIG) delayed and flawed work products, troubling professional actions, and repeated failure to respect congressional authority.

At a recent hearing before a Committee on Oversight and Accountability subcommittee, IG Cuffari admitted to deleting text messages from his official government phone on an ongoing basis and as a "normal practice."¹ He admitted that the messages he deleted were "business," not personal, and that he "did not consider those to be federal records."² As the Federal Records Act (FRA) makes clear, that was not his call to make. Under the FRA, only the National Archives and Records Administration can determine "whether recorded information, regardless of whether it exists in physical, digital, or electronic form, is a record."³ In addition, DHS Directive 141-01 states that all DHS employees are "responsible for manually capturing, retaining, and preserving any messages that meet the definition of a federal record, even when SMS/MMS [text] messages are

¹ *Help Wanted: Law Enforcement Staffing Challenges at the Border*, Hearing of the U.S. House Committee on Oversight and Accountability's National Security, the Border, and Foreign Affairs Subcommittee, Jun. 6, 2023, <https://oversight.house.gov/hearing/help-wanted-law-enforcement-staffing-challenges-at-the-border/>.

² *Id.*

³ *Id.*

automatically archived.”⁴ In June 2023, we wrote to IG Cuffari calling for his resignation over his admissions, which may constitute criminal violations of the FRA and DHS policy.⁵

The June 2023 letter was just the most recent among many sent by this Committee to IG Cuffari. In March 2020, the Committee wrote to IG Cuffari identifying numerous shortcomings in reports issued by his office regarding the deaths of two children in the custody of Customs and Border Protection.⁶ In November 2020, June 2022, and June 2023, the Committee wrote IG Cuffari about its ongoing concerns with the OIG’s prolonged delays investigating whistleblower complaints and its failure to meet its own deadlines or provide specific and realistic timeframes to whistleblowers for investigating their complaints.⁷

Since May 2022, with the Oversight and Accountability Committee, this Committee has written to IG Cuffari on five separate occasions about his conduct as Inspector General. First, following serious allegations that his office censored findings of domestic abuse and sexual harassment by DHS employees.⁸ Second, after he failed to promptly notify Congress of crucial information on the Secret Service’s erasure of text messages related to the January 6, 2021, attack on the U.S. Capitol.⁹ Third, after new information emerged about his repeated failures to gather text messages from officials in the Secret Service and other senior officials related to the January 6 attack.¹⁰

⁴ *DHS Watchdog Regularly Purges Texts on Gov’t Phone Despite Ongoing Investigation*, POGO, Jun. 6, 2023, <https://www.pogo.org/investigation/2023/06/dhs-watchdog-regularly-purges-texts-on-govt-phone-despite-ongoing-investigation>.

⁵ Letter from Ranking Member Bennie G. Thompson, Committee on Homeland Security, and Ranking Member Glenn F. Ivey, Subcommittee on Oversight, Investigations and Accountability, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Jun. 8, 2023, <https://democrats-homeland.house.gov/news/correspondence/thompson-ivey-call-on-dhs-ig-cuffari-to-resign-after-he-admits-to-deleting-federal-records>.

⁶ Letter from Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Mar. 26, 2020, <https://democrats-homeland.house.gov/imo/media/doc/2020-03-26%20DHS%20OIG.pdf>.

⁷ Letter from Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Nov. 12, 2020; Letter from Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Jun. 27, 2022; and Letter from Ranking Member Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Jun. 6, 2023.

⁸ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, May 10, 2022, <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-05-10.CBM%20Thompson%20to%20Cuffari-DHS%20IG%20re%20Reports.pdf>.

⁹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, and Chair Allison C. Lerner, Council of the Inspectors General on Integrity and Efficiency, Jul. 26, 2022, <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-07-26.CBM%20BGT%20to%20Cuffari-DHS%20and%20Lerner-CIGIE%20re%20Secret%20Service.pdf>.

¹⁰ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Aug. 1, 2022, <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-08-01.CBM%20BGT%20to%20Cuffari-DHS%20re%20Document%20Request.pdf>.

Fourth, regarding his repeated failure to comply with outstanding Congressional requests.¹¹ Most recently, in July 2023, the Committees wrote the IG about a \$1.17 million settlement his office approved to resolve claims of whistleblower retaliation raised against him, the largest known settlement involving an employee from a Federal office of inspector general.¹²

A hearing examining the leadership and performance of the DHS IG is imperative and could be one step toward restoring credibility to the OIG. Independent oversight and accountability within DHS are essential regardless of which political party controls the Administration. We would be happy to discuss this request with you further and thank you in advance for your consideration. We look forward to working with you to address the challenges affecting DHS so that it can better confront existing and emerging threats facing our country.

Sincerely,



Bennie G. Thompson
Ranking Member



Glenn F. Ivey
Ranking Member
Subcommittee on Oversight, Investigations, and
Accountability

Enclosures

cc: The Honorable Dan Bishop, Chairman
Subcommittee on Oversight, Investigations, and Accountability

¹¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office on Inspector General, Aug. 16, 2022, <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-08-16.CBM%20BGT%20to%20Cuffari-DHS%20IG%20re%20IG%20Reports.pdf>.

¹² Letter from Ranking Member Jaime Raskin, Committee on Oversight and Reform, and Ranking Member Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General, Jul. 27, 2023, <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-27.JBR%20BGT%20to%20Cuffari-DHS%20OIG%20re%20Payments.pdf>.