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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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December 7, 2018

**VIA ELECTRONIC TRANSMISSION**

Mathew G. Whitaker  
Acting Attorney General  
United States Department of Justice  
Washington, D.C. 20220

The Honorable Betsy DeVos  
Secretary of Education  
United States Department of Education  
Washington, D.C. 20202

Dear Acting Attorney General Whitaker and Secretary DeVos:

I am writing to request more information on the Department of Education's arrangement with the U.S. Marshals Service (USMS) to provide Secretary DeVos with 24-hour protection. This arrangement, which has been in effect since February 2017, is highly unusual because the USMS does not typically provide long term security for cabinet members, and according to whistleblower allegations, doing so places a strain on manpower and resources. As it stands, Secretary DeVos is the only cabinet official who is currently receiving USMS protection.<sup>1</sup> The costs associated with Secretary DeVos' security have also increased dramatically over the past 19 months. There are serious questions regarding the need for the extra security, and the rising costs associated with them.

By law, protecting cabinet officials is not a duty or function of the USMS.<sup>2</sup> Congress tasked the USMS with providing security for the entire federal judiciary, which includes protection for judges, court officers, and courthouses.<sup>3</sup> Additionally, U.S. Marshals are tasked with federal prisoner transport, fugitive apprehension, sex offender registry enforcement, the missing child program, and security for individuals in witness protection.<sup>4</sup> According to whistleblower

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<sup>1</sup> Heidi Przybyla, *U.S. Marshals Service spending million on DeVos security in unusual arrangement*, NBC News (Nov. 16, 2018), available at <https://www.nbcnews.com/politics/politics-news/u-s-marshals-service-spending-millions-devos-security-unusual-arrangement-n909001>.

<sup>2</sup> 28 U.S.C. §566 (a).

<sup>3</sup> 28 U.S.C. §566 (e).

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

allegations, every USMS employee who is assigned to protect Secretary DeVos must be pulled away from performing one of these statutorily mandated duties. And while it is not unusual for the USMS to provide temporary protection to government officials when there is a credible threat against their safety, Secretary DeVos' security detail has been ongoing for the past 19 months. Furthermore, the USMS' very own website describes the arrangement with the Department of Education as a "**permanent** risk-based protection detail[.]"<sup>5</sup> It is not clear, however, that Congress has authorized the use of USMS personnel as a permanent detail for cabinet officials.

Equally as concerning, the costs associated with the USMS' protection of Secretary DeVos have steadily grown over time. According to news reports, the costs of providing security for Secretary DeVos was \$5.2 million in 2017, \$6.79 million in 2018, and will reach a projected \$7.74 million in 2019.<sup>6</sup> These expenses have been incurred despite efforts by Secretary DeVos to reduce costs by paying out of pocket for deputy marshals to travel on her private plane.<sup>7</sup> By comparison, the Environmental Protection Agency (EPA), which relies on its own internal security, spent \$3.5 million on security for former Administrator Scott Pruitt in 2017.<sup>8</sup> Despite the lower costs incurred by the EPA relative to those incurred by the USMS, the EPA Office of Inspector General (EPA OIG) found that the EPA's security costs were not justified.<sup>9</sup> The EPA OIG further cited the EPA for excessive and unnecessary costs and questioned the need for additional security.<sup>10</sup>

In order for the Committee to better understand the reasons for the USMS' ongoing provision of security to Secretary DeVos, please answer the following questions no later than December 21, 2018:

1. When the USMS began providing protection for Secretary DeVos, was a threat assessment performed, and who requested the protection?
2. How often does the USMS perform a threat assessment analysis for Secretary DeVos? Please provide the Committee with copies of all threat assessment analyses performed since the USMS assumed protective detail of Secretary DeVos.
3. Is there currently a credible threat against the safety of Secretary DeVos? If yes, then provide the Committee with the USMS' most recent threat assessment analysis.

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<sup>5</sup> U.S. Marshals Service, Judicial Security Division, <https://www.usmarshals.gov/judicial/> (last visited Dec. 6, 2018).

<sup>6</sup> Caitlin Emma, *DeVos' security detail projected to cost up to \$7.7M during the next year*, Politico (Oct. 2, 2018) available at <https://www.politico.com/story/2018/10/02/devos-security-detail-millions-825948?nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=0000014e-f116-dd93-ad7f-f917c7140002&nlid=630318>.

<sup>7</sup> *Id.*

<sup>8</sup> See U.S. Environmental Protection Agency, Office of Inspector General, *Hotline Report: Operating efficiently and effectively; EPA Asserts Statutory Law Enforcement Authority to Protect Its Administrator but Lacks Procedures to Assess Threats and Identify the Proper Level of Protection*, Rep. No. 18-P-0239 (Sept. 4, 2018), available at [https://www.epa.gov/sites/production/files/2018-09/documents/epa\\_oig\\_20180904-18-p-0239.pdf](https://www.epa.gov/sites/production/files/2018-09/documents/epa_oig_20180904-18-p-0239.pdf).

<sup>9</sup> *Id.* at 9.

<sup>10</sup> *Id.* at 9-24.

4. Do you consider protecting the Secretary of Education to be a permanent duty of the USMS?
  - a. If not, then why does the USMS website describe her detail as “permanent?”
5. Have the Department of Justice, USMS, and Department of Education discussed a possible end-date for Secretary DeVos’ protective detail? If yes, then what steps have the USMS and Department of Education taken to transition responsibility for her protective service back to the Department of Education?
6. How has the provision of security to Secretary DeVos affected staffing at USMS field offices?
  - a. Are all USMS field offices properly staffed?
  - b. Have any U.S. Marshals or other field office personnel raised concerns that they are struggling to complete their current duties due to staffing issues?
  - c. Were the deputy marshals currently assigned to Secretary DeVos’ protection detail reassigned from field offices? If so, were they replaced?
7. What steps is the Department of Education taking to mitigate the rising costs of Secretary DeVos’ security?
8. What is the status of the Department of Education security team that was formerly assigned to protect Secretary DeVos? Are they still employed at the Department of Education? If yes, then what are their current duties now that they no longer provide security for the Secretary?

Thank you in advance for your cooperation with this request. If you have any questions please contact Dario Camacho of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc: The Honorable Dianne Feinstein  
Ranking Member  
Senate Committee on the Judiciary