

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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September 14, 2022

Mr. L. Eric Patterson
Director
Federal Protective Service
Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Patterson:

We write to request information about the steps the Federal Protective Service (FPS) is taking to ensure the safety of federal government employees in the wake of a recent surge in threats against the federal workforce following passage of the Inflation Reduction Act of 2022 and the execution of a court-authorized search warrant by the Federal Bureau of Investigation (FBI) at former President Trump’s Mar-a-Lago Club.¹

We are alarmed that leaders in the Republican Party have promoted false conspiracy theories and fueled violent threats against federal workers, putting the lives of law enforcement officials and other patriotic public servants at risk. For example, after the passage of the Inflation Reduction Act, top Republicans falsely suggested to their supporters that thousands of new Internal Revenue Service (IRS) agents were being hired to target and even kill Americans:

- Senator Rick Scott issued a press release claiming that following passage of the Inflation Reduction Act, the IRS would “hire 87,000 new—mostly armed—IRS agents” to “create an IRS super-police force” that is willing to “kill” their “fellow hardworking Americans.”²
- Minority Leader Kevin McCarthy warned in a Twitter post that “Democrats’ new army of 87,000 IRS agents will be coming for you[.]”³

¹ Inflation Reduction Act of 2022, Pub. L. No. 117-169; *FBI Executes Search Warrant at Trump’s Mar-a-Lago in Document Investigation*, CNN (Aug. 9, 2022) (online at www.cnn.com/2022/08/08/politics/mar-a-lago-search-warrant-fbi-donald-trump/index.html).

² Senator Rick Scott, *Press Release: Sen. Rick Scott Pens Open Letter to Job Seekers: Don’t Work for Biden’s IRS Army* (Aug. 16, 2022) (online at www.rickscott.senate.gov/2022/8/sen-rick-scott-pens-open-letter-to-job-seekers-don-t-work-for-biden-s-irs-army).

³ Kevin McCarthy (@GOPLeader), Twitter (Aug. 9, 2022) (online at <https://twitter.com/gopleader/status/1557088624499429377>).

- Senator Charles Grassley, in an appearance on Fox News, suggested the IRS was “going to have a strike force that goes in with AK-15s [sic] already loaded, all ready to shoot some small-business person in Iowa.”⁴
- Ronna McDaniel, the Chairwoman of the Republican National Committee, asked on her Twitter account: “How long until Democrats send the IRS ‘SWAT team’ after your kids’ lemonade stand?”⁵
- Congressman Matt Gaetz, in a Fox News appearance, warned of IRS employees “emptying Glock clips on our fellow Americans.”⁶

Similarly, following the court-authorized search of the former President’s Mar-a-Lago Club, former President Trump and Republican Members of Congress have made reckless statements demonizing federal law enforcement officers and even hinting at possible violence:

- Former President Trump, in a recent speech, called the Justice Department and FBI “vicious monsters” and warned that the criminal investigation into his removal of classified government documents to Mar-a-Lago “is going to produce a backlash the likes of which nobody has ever seen before.”⁷
- Senator Lindsey Graham, in a Fox News interview, repeatedly said that there would be “riots in the street” if former President Donald Trump were to be prosecuted for crimes relating to unlawful possession of classified government information.⁸
- Congressman Paul Gosar posted on Twitter: “We must destroy the FBI.”⁹
- Congressman Jim Jordan posted on Twitter: “If they can do it to a former President, imagine what they can do to you.”¹⁰

⁴ *From GOP Chair to Militias, the Right Issues Baseless Warnings About Armed IRS Thugs*, Washington Post (Aug. 11, 2022) (online at www.washingtonpost.com/politics/2022/08/11/republicans-irs/).

⁵ Ronna McDaniel (@GOPChairwoman), Twitter (Aug. 11, 2022) (online at <https://twitter.com/GOPChairwoman/status/1557786431082356736>).

⁶ *From GOP Chair to Militias, the Right Issues Baseless Warnings About Armed IRS Thugs*, Washington Post (Aug. 11, 2022) (online at www.washingtonpost.com/politics/2022/08/11/republicans-irs/).

⁷ *Read Everything Donald Trump Said at His First Rally After Mar-a-Lago Raid*, Newsweek (Sept. 3, 2022) (online at www.newsweek.com/read-everything-donald-trump-said-his-first-rally-after-mar-lago-raid-1739683).

⁸ *Sen. Graham Says if Trump Is Indicted, There Will Be “Riots in The Street,”* FOX News (Aug. 28, 2022) (online at www.foxnews.com/media/sen-graham-trump-indicted-there-will-be-riots-street).

⁹ Paul Gosar (@RepGosar), Twitter (Aug. 8, 2022) (online at <https://twitter.com/RepGosar/status/1556821907726630915>).

¹⁰ Jim Jordan (@JudiciaryGOP) (Aug. 8, 2022) (online at <https://twitter.com/JudiciaryGOP/status/1556791214875328515>).

These inflammatory statements are both dangerous and false.¹¹ Under the Inflation Reduction Act, the IRS will receive additional funding to ensure fair enforcement of tax laws. Treasury Secretary Janet Yellen has outlined four priorities for this additional funding: (1) clearing the backlog of unprocessed tax returns; (2) improving the IRS's customer service, including ensuring the IRS is better able to answer phone calls; (3) overhauling the agency's technology systems, which are decades out of date; and (4) replacing 50,000 IRS workers who are expected to retire over the next five years.¹² No plans have been announced to significantly expand the IRS's Criminal Investigation unit, which represents 2.5% of the IRS's 80,411 employees and is charged with investigating criminal violations of the tax code and other financial crimes such as money laundering, terrorist financing, cybercrimes, and sanctions evasion.¹³

Former President Trump has also fueled threats of violence against federal workers by posting messages to Truth Social promoting QAnon conspiracy theories, including that the "FBI colluded with Antifa" to carry out the January 6 Capitol insurrection.¹⁴ Former President Trump also posted a message suggesting the FBI was "planting" evidence during the search of Mar-a-Lago.¹⁵ The QAnon movement has already been linked to political violence, most notably the January 6 Capitol insurrection, and the FBI and the Department of Homeland Security have warned that followers may engage in further "real world violence."¹⁶

This flood of disinformation and violent threats against federal employees has already led to at least one death. Last month, dangerous rhetoric against the FBI in the wake of the Mar-a-Lago search led to attacks against federal law enforcement, including an FBI Field Office in

¹¹ *Fact Check-The IRS Is Not Hiring Thousands of Armed Agents, Job Ads Show Opening for Specialized Unit*, Reuters (Aug. 17, 2022) (online at www.reuters.com/article/factcheck-irs-armed/fact-check-the-irs-is-not-hiring-thousands-of-armed-agents-job-ads-show-opening-for-specialized-unit-idUSL1N2ZT296).

¹² *Yellen: These Are the 4 Top Priorities for the Nearly \$80 Billion in IRS Funding*, CNBC (Aug. 18, 2022) (online at www.cnn.com/2022/08/18/yellen-these-are-the-4-priorities-for-the-80-billion-in-irs-funding.html).

¹³ *Fact Check-The IRS Is Not Hiring Thousands of Armed Agents, Job Ads Show Opening for Specialized Unit*, Reuters (Aug. 17, 2022) (online at www.reuters.com/article/factcheck-irs-armed/fact-check-the-irs-is-not-hiring-thousands-of-armed-agents-job-ads-show-opening-for-specialized-unit-idUSL1N2ZT296); Internal Revenue Service, *IRS Databook: Budget and Workforce, Table 32 Personnel Summary, by Employment Status, Budget Activity, and Selected Personnel Type, Fiscal Years 2020 and 2021* (Sept. 25, 2021) (online at www.irs.gov/statistics/irs-budget-and-workforce) (IRS total workforce of 80,411, 2,042 of whom were special agents).

¹⁴ *Trump Shares Barrage of QAnon Content and Other Conspiracy Theories on his Social Media Platform*, NBC News (Aug. 30, 2022) (online at www.nbcnews.com/politics/donald-trump/trump-shares-barrage-qanon-content-conspiracy-theories-social-media-pl-rcna45465); *Trump Shares—Then Deletes—Conspiracy Theories About FBI on Truth Social* (Aug. 30, 2022) (online at www.forbes.com/sites/siladityaray/2022/08/30/trump-shares-then-deletes-conspiracy-theories-about-fbi-on-truth-social/?sh=42167ecf3649).

¹⁵ Donald J. Trump (@RealDonaldTrump), TruthSocial (Aug. 10, 2022) (online at <https://truthsocial.com/@realDonaldTrump/posts/108798211943189544>).

¹⁶ *US Intel Report Warns of More Violence by QAnon Followers*, Associated Press (June 14, 2021) (online at <https://apnews.com/article/government-and-politics-donald-trump-joe-biden-violence-religion-33093d606470be4bc0cd8df6a474a097>).

Cincinnati, Ohio.¹⁷ In the days following the Mar-a-Lago search, FPS reportedly warned of a “spike in expressed social media threats against the FBI and to a lesser extent, other government and law enforcement agencies.”¹⁸ An FPS Information Bulletin called on all law enforcement officers and security personnel to “remain at a heightened state of vigilance.”¹⁹ Although the bulletin did not identify any specific, credible threats, it warned that “an attack on a federal facility can occur in a variety of ways.”²⁰

These threats have led multiple federal departments and agencies to take steps to protect their workforce from potential acts of violence stemming from false information online.²¹ For example, on August 23, 2022, IRS Commissioner Charles Rettig reportedly warned IRS staff of “an abundance of misinformation and false social media postings” about implementation of the Inflation Reduction Act, which have included “threats directed at the IRS and its employees.”²² Commissioner Rettig announced the IRS would undertake a physical security risk assessment for each of the IRS’s 600 facilities. The last time the IRS conducted such a threat-based review was in 1995, after domestic terrorists bombed the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people.²³

National Archives and Records Administration (NARA) officials have also cautioned the agency’s employees that “NARA has received messages from the public accusing us of

¹⁷ *Man Who Tried to Breach FBI Office Killed After Standoff*, Associated Press (Aug. 11, 2022) (online at <https://apnews.com/article/fbi-cincinnati-armed-man-b4701596a0eb9770e3b29e95328f5704>); Committee on Oversight and Reform, *Press Release: Chairs Maloney and Lynch Call on Social Media Companies to Address Violent Threats Against Federal Law Enforcement* (Aug. 19, 2022) (online at <https://oversight.house.gov/news/press-releases/chairs-maloney-and-lynch-call-on-social-media-companies-to-address-violent>).

¹⁸ *Mar-a-Lago Search Put FBI on High Alert for Pro-Trump Protest Violence*, Bloomberg (Sept. 9, 2022) (online at www.bloomberg.com/news/articles/2022-09-09/mar-a-lago-search-spurred-us-alert-on-risk-of-anti-fbi-violence).

¹⁹ Federal Protective Service, Investigations Branch, *Personnel Security and Safety Awareness due to Recent FBI Threats* (Aug. 10, 2022) (online at <https://assets.bwbx.io/documents/users/iqjWHBFdfxIU/rxODFY9NPjPU/v0>).

²⁰ *Id.*

²¹ *IRS Launches Safety Review After Right-Wing Threats*, Washington Post (Aug. 23, 2022) (online at www.washingtonpost.com/us-policy/2022/08/23/irs-safety-republicans/); “*Stay Vigilant: Agencies Issue Warnings, Take New Steps to Combat Wave of Threats Against Feds*,” Government Executive (Aug. 23, 2022) (online at www.govexec.com/workforce/2022/08/stay-vigilant-agencies-issue-warnings-take-new-steps-combat-wave-threats-against-feds/376212/); *Inside Trump’s War on the National Archives*, Washington Post (Aug. 27, 2022) (online at www.washingtonpost.com/politics/2022/08/27/trump-archives-records-war/); *FBI and DHS Warn Threats to Federal Law Enforcement Have Spiked Since Mar-A-Lago Search*, NBC News (Aug. 14, 2022) (online at www.nbcnews.com/politics/politics-news/fbi-dhs-warn-threats-federal-law-enforcement-spiked-wake-mar-lago-sear-rca43024).

²² *I.R.S. Undertakes a Security Review Amid Threats to the Agency and Its Employees*, New York Times (Aug. 23, 2022) (online at www.nytimes.com/2022/08/23/business/irs-security-review.html).

²³ *IRS Launches Safety Review After Right-Wing Threats*, Washington Post (Aug. 23, 2022) (online at www.washingtonpost.com/us-policy/2022/08/23/irs-safety-republicans/).

corruption and conspiring against the former President[.]”²⁴ The FBI and Department of Homeland Security (DHS) issued a joint intelligence bulletin stating they have “observed an increase in threats to federal law enforcement and to a lesser extent other law enforcement and government officials” following the FBI’s search at Mar-a-Lago.²⁵

The Environmental Protection Agency (EPA) has also cautioned employees about the increased risk to federal workers.²⁶ A message sent to employees on August 19, 2022, cited recent warnings by the FBI and DHS of “an increase in threats” to government officials and advised employees to report any suspicious activity to their local FBI Field Office.²⁷

We fully support the First Amendment rights of all Americans to share their opinions and engage in spirited debate about U.S. government actions, but threats of violence and incitements to violence are illegal and dangerous.²⁸ Tony Reardon, President of the National Treasury Employees Union, recently warned that “too many times in the past, we have seen anti-government, anti-worker statements fuel violent attacks on innocent federal employees.”²⁹

²⁴ *Inside Trump’s War on the National Archives*, Washington Post (Aug. 27, 2022) (online at www.washingtonpost.com/politics/2022/08/27/trump-archives-records-war/).

²⁵ *FBI and DHS Warn Threats to Federal Law Enforcement Have Spiked Since Mar-A-Lago Search*, NBC News (Aug. 14, 2022) (online at www.nbcnews.com/politics/politics-news/fbi-dhs-warn-threats-federal-law-enforcement-spiked-wake-mar-lago-sear-rcna43024); see also Committee on Oversight and Reform, *Press Release: Chairs Maloney and Lynch Call on Social Media Companies to Address Violent Threats Against Federal Law Enforcement* (Aug. 19, 2022) (online at <https://oversight.house.gov/news/press-releases/chairs-maloney-and-lynch-call-on-social-media-companies-to-address-violent>).

²⁶ Members of the judiciary have also been subjected to growing threats linked to a rise in domestic extremism. Congress has taken several actions this year to increase security for federal judges and justices. The House of Representatives has passed a 6.5% increase in funding for court security and the President has signed into law the Supreme Court Police Parity Act to provide for the safety of family members of Supreme Court Justices. See *U.S. Judges Faced Over 4,500 Threats in 2021 Amid Rising Extremism—Official*, Reuters (Feb. 15, 2022) (online at www.reuters.com/world/us/us-judges-faced-over-4500-threats-2021-amid-rising-extremism-official-2022-02-14/); *U.S. House Approves Security, Cyber-Funding Boost for Federal Judiciary*, Reuters (July 21, 2022) (online at www.reuters.com/legal/government/us-house-approves-security-cyber-funding-boost-federal-judiciary-2022-07-20/); *Biden Signs Bill to Protect Supreme Court Justices into Law*, Associated Press (June 16, 2022) (online at <https://apnews.com/article/abortion-biden-us-supreme-court-brett-kavanaugh-government-and-politics-d2507dd3b67efd64e52c2feab91b0eeb>).

²⁷ *Agencies Issue Warnings, Take New Steps to Combat Wave of Threats Against Feds*, Government Executive (Aug. 23, 2022) (online at www.govexec.com/workforce/2022/08/stay-vigilant-agencies-issue-warnings-take-new-steps-combat-wave-threats-against-feds/376212/); Letter from Acting Assistant Administrator for Mission Support Kimberly Y. Patrick and Associate Administrator for Homeland Security Ted Stanich, Environmental Protection Agency, to Environmental Protection Agency Staff (Aug. 19, 2022) (obtained by POLITICO Pro, online at <https://subscriber.politicopro.com/article/eenews/2022/08/23/epa-warns-staff-of-rising-anti-government-threats-00053354>).

²⁸ E.g., *Brandenburg v. Ohio*, 395 U.S. 444, 448 (1969) (holding “incitement to imminent lawless action” is not constitutionally protected speech); *Feiner v. New York*, 340 U.S. 315, 321 (1951) (holding “incitement to riot” is not constitutionally protected speech).

²⁹ *IRS Chief Orders Security Review as GOP Targets Agency with Inflammatory Rhetoric*, Politico (Aug. 23, 2022) (online at www.politico.com/news/2022/08/23/irs-chief-orders-security-review-00053360).

The Committee is extremely concerned that this volatile threat environment puts federal employees in grave danger and at risk of violence. As the primary federal agency charged with providing physical security and law enforcement services to protect approximately 9,000 federal facilities, and the employees and visitors who use them, FPS is in a critical position to assess threats against government personnel and ensure all employees are protected from violence and threats of violence.³⁰ In light of the sharp increase in threats to federal employees nationwide, we are also concerned that the financial resources available to FPS for its investigative and facility security functions, which have historically been funded through a Basic Security Fee paid by the federal agencies out of their congressionally appropriated funds, may not be sufficient to address current heightened threats against federal employees.³¹

For these reasons, we request that you provide written answers to the following questions and provide a briefing to Committee staff on threats posed to federal employees by September 28, 2022.³²

1. How does FPS monitor threats against federal employees and facilities? Does FPS routinely share threat intelligence received from FBI and DHS Office of Intelligence and Analysis sources with security personnel at federal agencies?
2. How does FPS work with social media companies to identify potential threats against federal employees or facilities?
3. What is FPS's assessment of the current threat environment facing federal employees? Has FPS recorded a recent increase in threats against federal employees or facilities?
4. Has FPS conducted, or does FPS intend to conduct, updated facility risk assessments as a result of increased credible threats against federal employees or facilities? To the extent FPS has already conducted any such risk assessments, please provide those to the Committee.
5. Has FPS received a request from the IRS, EPA, NARA, or any other federal agency to update the Facility Security Level determination of any federal facilities since August 8, 2022?

³⁰ Government Accountability Office, *Federal Protective Service: Projected Outcomes of the New Fee Structure on Tenant Agencies' Costs* (Mar. 1, 2021) (GAO-21-311r) (online at www.gao.gov/assets/gao-21-311r.pdf).

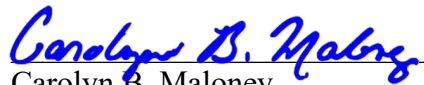
³¹ *Id.*, at Page 3.

³² We request FPS provide both responses and the briefing in an unclassified manner to the greatest extent possible. However, if FPS determines that portions of its responses will contain information that is classified, law enforcement sensitive, or controlled unclassified information, FPS can provide those portions of its response in the appropriate manner or setting.

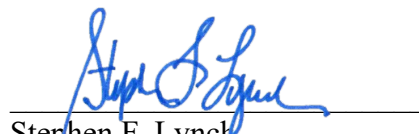
6. What is the average increase in cost when a facility's security level increases by one level? What types of new security measures would typically result from such an increase?
7. What actions does FPS intend to take to ensure the safety of federal employees or facilities as a result of the current threat environment?
8. Does FPS have sufficient financial resources to meet the current and growing threat environment? If not, please explain in detail what additional resources are necessary.
9. What procedures does FPS use to provide specialized support to federal agencies whose employees or facilities receive credible threats of violence or other threats that indicate a temporarily heightened risk due to increased visibility of an agency's mission?
10. Has FPS developed procedures for enhanced sharing of information during times of heightened risk with federal agencies such as IRS or EPA that manage the security of their own single-agency facilities?

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Stephen F. Lynch
Chairman
Subcommittee on National Security

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security