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NOMINATION OF JOHN R. ROTH

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

NOMINATION OF JOHN R. ROTH, TO BE INSPECTOR GENERAL, U.S. DEPARTMENT OF HOMELAND SECURITY

JANUARY 8, 2014

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NOMINATION OF JOHN R. ROTH

WEDNESDAY, JANUARY 8, 2014

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Thomas R. Carper, presiding.

Present: Senators Carper, McCaskill, Tester, Coburn, McCain, Johnson, Enzi, and Ayotte.

OPENING STATEMENT OF CHAIRMAN CARPER

Chairman CARPER. The hearing will come to order.

Mr. Roth, we welcome you and your family today, and our colleagues, as well, and our other guests.

During my years of service on this Committee—I have been on this Committee for about—this is starting the 14th year—we have examined a number of management and other challenges made worse by the lack of leadership at Federal agencies. Last year, my first as the Committee's Chairman, I made it one of my top priorities to work with the Administration to fill key positions throughout the government, particularly at the Department of Homeland Security (DHS), and I did this because experience shows that we simply cannot expect results from any organization—any organization, Federal agencies included—without strong leaders in place.

So, as we begin a new year, I am very happy that DHS once again has a Senate-confirmed Secretary and Deputy Secretary in place. Today, we continue the progress we have made in filling vacancies at the Department, considering the nomination of John Roth to be Inspector General (IG).

The DHS Office of Inspector General (OIG) has been without a permanent leader, a Senate-confirmed leader, for nearly 3 years, and that is inexcusable for an office that is so vital to the work of the Department and to the Congress. Inspectors General are an essential component of government oversight. They can help reveal and prosecute wrongdoing, provide invaluable support to Congressional budgeting and oversight work, and promote the integrity and efficiency of our government.

This Committee builds on the work of the Department of Homeland Security's Office of Inspector General, as well as with the Government Accountability Office (GAO) and the Office of Management and Budget (OMB), to help the Department of Homeland Security more effectively and efficiently achieve its critically important mis-

sions, and we need to strengthen management and accountability to work better to unify the Department and continue on our quest to get better results for less money. There is only so much this Committee, the Government Accountability Office, OMB, or the Office of Inspector General can do alone, but if we all work together, we can help the Department make real progress on its key challenges, and there are plenty of them.

I know the Office of Inspector General is not always seen as an ally by management, but good leaders should welcome constructive criticisms to help improve performance. That is particularly true for the Department of Homeland Security, which faces a vital and extremely challenging mission and is still coming of age as a Department.

The Department's OIG itself is also in need of leadership and a fresh start after a turbulent period of time that has raised questions about the integrity of the office's work and has undoubtedly shaken morale within the office. Indeed, a recent survey of government employees conducted by the Partnership for Public Service showed employee satisfaction with the Department's Office of Inspector General falling off markedly in 2013 after a relatively solid showing in prior years.

So, the role of Inspector General at DHS is a challenging and important job and I am pleased to see a strong nominee before us today.

Mr. Roth grew up in the Detroit area and was educated there, including putting himself through college at Wayne State University, where he also attended law school. He spent most of his career at the Department of Justice (DOJ), where he was a seasoned prosecutor. Early on, he was an Assistant U.S. Attorney in Detroit, then Chief of the Narcotics Section in Miami. In 1999, he moved to Justice Department headquarters here in Washington, DC, and has held a succession of significant jobs, including Chief of the Asset Forfeiture and Money Laundering Section, Chief of the Fraud and Public Corruption Section, and Chief of Staff to the Deputy Attorney General.

One of his few departures from the Justice Department was shortly after September 11, 2001, when he was detailed to the 9/11 Commission and was the Senior Counsel and team leader of the Commission's Team on Terrorist Financing. Since July 2012, he has led the Criminal Investigation Office of the Food and Drug Administration (FDA), where he oversees a staff of close to 300 people.

Along the way, he has earned the respect of an impressive array of employees and colleagues, including former DHS Secretary Michael Chertoff, former Congressman and 9/11 Commissioner Lee Hamilton, Alice Fisher, the former Assistant Attorney General for the Criminal Division, and many others. These and other individuals have written the Committee in support of this nomination. I will place their letters[1] in the record, without objection.

These former colleagues praise Mr. Roth's intellect and work ethic, but also, maybe more importantly, his integrity. Inspectors General sit in a difficult and, at times, conflicting roles. To be effec-

[1] Letters of support appear in the Appendix on page 91.

tive, it is critical that an IG's independence and integrity be beyond reproach. Based on these testimonials and more, I believe that Mr. Roth has met and will continue to meet this high standard.

During my meeting with Mr. Roth last month, I enjoyed learning about the nominee's background, growing up in the Detroit area—hanging out at the corner of Michigan and Trumball Avenue, where the Detroit Tigers used to play—his impressive career, and his commitment to public service, and I look forward to hearing more from him today on his experience and his ideas on how to improve the Office of Inspector General, and with it, the Department of Homeland Security.

I want to thank Dr. Coburn, his staff and our staff, everyone on our Committee, for their help in expediting the consideration of this nomination. Now, I would defer to Dr. Coburn.

OPENING STATEMENT OF SENATOR COBURN

Senator COBURN. Well, welcome to you and your family. First is a thank you for being willing to serve. Second is a recognition of the President's confidence and also judgment in nominating you for this position.

A lot of Americans do not understand how important for their freedom Inspectors General are. You are the eyes and ears for the American people to be sure that the agencies are actually complying with the law, and you come well equipped to fulfill that obligation. You have the management skills as well as the confidence of, I think, both the Chairman and I. I have enjoyed our visits and the insight into both your background and your management style and I certainly look forward to supporting you.

There are a great deal of difficulties, not just within the IG's Office, but also across Homeland Security, and I will not go into the details of those now, but given the troubles at the IG Office, it is important to say in a public hearing that the vast majority of people who work in that office are stellar Federal employees and should not be tainted by any of the things that have gone on and questions have been raised about over the past several months. There are a lot of outstanding issues in the IG in terms of open cases, significantly too many, as well as an open case that is precarious and will have a great effect on Deputy Secretary Alejandro Mayorkas as well as the reputation of the IG's Office.

I welcome you to our hearing. I look forward to your statement. And I look forward to supporting you, not only in your nomination and vote on the Senate floor, but in supporting you as you go about doing the very important work that you have agreed to take on.

I yield back.

Chairman CARPER. Thanks, Dr. Coburn.

Senator Tester, do you want to say anything?

Senator TESTER. No——

Chairman CARPER. Senator Enzi, do you have any comment?

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. I will be very quick. Thank you, Mr. Chairman and Ranking Member Coburn.

I would just say this, first of all. Welcome. I appreciate our opportunity to visit. As has been said earlier, I think you are ultimately qualified to do this job and do it very well.

This is going to be a challenging position, as we talked yesterday. The IG's Office in DHS is—well, let us just say it needs some leadership, and the fact that we have gone as long as we have without a Senate-confirmed leader is a travesty. That being said, hopefully, you will be out of this Committee soon and off the Senate floor soon, confirmed in this position, because I think you have an incredible skill set for this job and DHS's gain will be FDA's loss.

So, I just want to thank you for being willing to serve. I appreciate your excellent credentials and I look forward to having a qualified individual in the IG's Office of the Department of Homeland Security.

Thank you, Mr. Chairman.

Chairman CARPER. You bet.

I, again, want to welcome our witness, John Roth, today. In fact, I think we have two John Roths in the audience today, one at the table and one covering his back right behind him, his son John, who is 14, and I think Michael is back there, but Michael is, I think, 12. When my boys were 12 and 14, you could not have paid them to come to a hearing like this—— [Laughter.]

So it is a great testimony by their presence to their dedication and affection for their dad and we thank them for being here, for joining us.

And Monique, your bride of how many years, 20?

Mr. ROTH. Close to that. It is——

Chairman CARPER. I do not mean to put you on the spot. [Laughter.]

Mr. ROTH. Sixteen years.

Chairman CARPER. The best answer I have ever heard when I asked somebody how long they had been married, John, was this woman at the General Motors plant in Delaware. I said, how long have you and your husband been married? He was an engineer and she was a supervisor. And she said, "Thirteen years. Not long enough." And I thought, boy, I can learn from her. So, 16 years, not long enough. I would congratulate you for that.

And, Monique, I just want to say, thank you for sharing your husband, and to your sons, for sharing your dad with our country for all these years, and your willingness to let him try this job on for size if we can get him confirmed. I know it is a heavy lift, but we will do our very best.

As I mentioned in my opening statement, Mr. Roth has served in a variety of roles over more than 20 years at the Department of Justice. He has also worked in the U.S. Attorney's Office for the District of Columbia as Chief of the Fraud and Public Corruption Section and Executive Assistant, U.S. Attorney for Operations. Mr. Roth served as Special Counsel and team leader for the Terrorist Financing Team of the 9/11 Commission. Our nominee currently works as the Director of the Office of Criminal Investigations at the U.S. Food and Drug Administration.

Mr. Roth, before you proceed with your statement this morning, Committee rules require that all witnesses at nomination hearings

give their testimony under oath, and I am going to ask you if you would stand and please raise your right hand.

John Roth, do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROTH. I do.

Chairman CARPER. You may be seated.

You are welcome to proceed. Sometimes, we ask witnesses to limit their statements to 5 minutes. Feel free to go beyond that, and if you would like to introduce your family again and any other guests that are here today, please feel free. Please proceed.

TESTIMONY OF JOHN R. ROTH,[1] NOMINATED TO BE INSPECTOR GENERAL, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. ROTH. Thank you, Chairman Carper, Ranking Member Coburn, and Members of this Committee. It is an honor to be considered by this Committee as the President's nominee for Inspector General for the Department of Homeland Security.

I would like to recognize and thank my very supportive family. As you mentioned, my wife, Monique, is here, as well as my two sons, John and Michael. I have learned more about integrity and leadership from my family and from raising my children than I could have possibly imagined before I began that journey. They have kept me grounded and they serve as important reminders of the importance of what we do here today.

I would also like to take this time to acknowledge the contribution of my parents, Richard and Corinne Roth, who have been married to each other for over 60 years. They could not make the trip from Colorado to be here today, but I know that they are watching, and I am grateful for the qualities that they have instilled in me—honesty, perseverance, and a strong work ethic.

I would also like to thank the Members of the Committee and their staff for taking the time to meet with me. I found that very productive, and if confirmed, I look forward to continuing this dialogue.

I am under no illusions about the challenges that the next Inspector General will face. Ten years after its creation, DHS is still finding its way. I have reviewed the GAO reports, the DHS Inspector General reports, and the congressional hearings, including hearings of this Committee, that lay out many of the issues that need to be addressed.

If confirmed, I welcome that challenge. I have a quarter-century of experience as a prosecutor and a manager at the Department of Justice and as the leader of FDA's criminal enforcement efforts. This has given me an analytical mind, a nose for facts, and a judgment tempered by years of experience to be able to draw solid conclusions from those facts.

I also have what I think is unique experience in examining and assessing government programs. I led the team on the 9/11 Commission looking into the government's preparedness in response to the 9/11 attacks as it relates to terrorist financing. In the end, our team produced a specialized analytical report. That report was uni-

[1] The prepared statement of Mr. Roth appears in the Appendix on page 36.

versally acclaimed for its accuracy, its conciseness, and its utility by several Committees of Congress, by the Administration at the time, and by members of the public and outside experts.

Moreover, I have experience and insight into financial audits that every Inspector General's Office conducts. Both at the FDA and at DOJ, we employed auditors and forensic accountants to help us unravel significantly complex financial schemes.

I have long involvement with the Inspectors General community, as well. As Chief of the Fraud and Public Corruption Section in the U.S. Attorney's Office just blocks from here, our office was "IG Central." We had active investigations with an entire range of Inspector General Offices, including those at State, Labor, Interior, Justice, Education, Homeland Security, United States Agency for International Development, Defense, Transportation, Health and Human Services (HHS), Housing and Urban Development, General Services Administration, and a host of others. The matters we investigated included program fraud involving millions of dollars and corruption and ethical lapses by individuals within those agencies, including agency heads. In my current position at the FDA, we conduct numerous joint investigations with our partners at the HHS Inspector General's Office. Finally, as part of the senior management team in a number of roles at the Department of Justice, I had the opportunity to observe firsthand a very well-respected and effective Inspector General's Office.

Each of these positions has given me insight into effective management and leadership. I have faced a variety of leadership challenges in which I was called on to turn an organization around. Each time, I was able to create a cohesive, high-functioning team focused at the mission on hand.

As you note, the Office of Inspector General has endured a tough couple of years. I have read the media reports and the publicly available correspondence regarding the issues surrounding the office. I want the men and women who work in that office to be proud of where they work.

If I am confirmed, I will work to ensure that the Office of Inspector General is viewed as the independent, credible voice that it was designed to be.

If I am confirmed, I will work to ensure that the employees within that organization are empowered to succeed and will focus on things that matter.

If confirmed, I will listen to those inside and outside the organization for working to make the office better so we can make the government more effective, more efficient, and more responsive to the American taxpayer.

If confirmed, I will ensure that it becomes a more transparent place, a better place to work, and one that provides real value to the DHS mission.

And, finally, and most importantly, and which I will never compromise, I will ensure that we are objective and independent in everything that we do.

That concludes my statement. I am happy to answer any questions the Committee may have.

Chairman CARPER. Great. Thank you for an excellent statement.

Let us just start off by going back in time, looking back before we look forward. You mentioned in your testimony some of the values that you learned from your parents. I think you mentioned three of those, integrity, perseverance, and work ethic. Talk to us about how you learned those values from your mom and dad and how they pertain to the job that you are now being considered for.

Mr. ROTH. Certainly, and that was one of the fundamental lessons that I learned from my parents. I am the last of five children and I would be remiss if I did not mention——

Chairman CARPER. Before you answer, I need to ask you three pro forma questions and then we will go back to the question I just asked you.

Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. ROTH. No.

Chairman CARPER. OK. Do you know of anything personal or otherwise that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. ROTH. No, sir.

Chairman CARPER. OK. And, do you agree without reservation to respond to any reasonable summons to appear and testify before duly constituted Committees of Congress if you are confirmed?

Mr. ROTH. Yes.

Chairman CARPER. Thank you. All right. Let us go back to the question I asked—integrity, perseverance, work ethic.

Mr. ROTH. Sure. I am the last of five children and I would be remiss not to mention my brothers and my sister, Tom, Tim, Michael, and Mary Kathryn. We were all instilled with a very hard work ethic—except for my sister, we all caddied in a local golf club starting at the age of 14, and hard work was important. Working hard at school, but working hard outside of school was very important. And those kinds of qualities extended beyond. As a trial lawyer——

Chairman CARPER. Where did you go to, Wayne State, undergrad and law school?

Mr. ROTH. Yes, I did.

Chairman CARPER. Did you help pay your way through school?

Mr. ROTH. Yes, I did.

Chairman CARPER. How did you do that?

Mr. ROTH. In undergrad, I did a variety of jobs. The most prominent one was I worked in the library, not as a librarian or anything academic but more unloading boxes of books from the loading dock, as well as working at the university book store, a variety of odd jobs. I was fortunate enough that Wayne State was able to give me a scholarship for law school, so that was the way I was able to make that work.

Chairman CARPER. OK. Good.

Mr. ROTH. But, as I was indicating, hard work was important, and as a trial lawyer in the Department of Justice, I got by not by good looks or being flashy in the courtroom, but by doing the hard work and the necessary investigation and beating the streets and making sure that I had my evidence in order to be able to make the case. And, again, it is hard work, sweating the details, getting

it right. Those are the kinds of values that my parents have instilled in me.

Chairman CARPER. Relate those values, if you will, to the job that lies ahead.

Mr. ROTH. Certainly. I mean, I think it is important for an Inspector General to pay attention to details, to work hard, to ensure that his staff works hard, to produce reports that are timely, that are accurate, and that are helpful both to the Committee and to the Administration.

Chairman CARPER. All right. You had a lot of jobs, and one more question I would ask you is why have you had so many different jobs?

Mr. ROTH. Yes. I like to say that I worked for the Department of Justice for 25 years, and each one of the times that I have moved, it was as a result of a promotion or gaining more responsibility, making a better contribution to the goals of the Department of Justice. So, when an Alice Fisher, for example, asks you to come and serve for her during a time of great chaos, for example—I would not say chaos, but a time of great uncertainty in the change of Administration, likewise, when the Deputy Attorney General asks you to be his Chief of Staff, a career Chief of Staff in what is normally a political position because of the changes that were going on and the uncertainty, it is hard, certainly, to say no to that.

Chairman CARPER. And you had a short stint—well, a 2-year stint, I think—over in Paris.

Mr. ROTH. That is true.

Chairman CARPER. Tough assignment. How did you end up over there?

Mr. ROTH. Two-and-a-half years. My wife was the Justice Department Attache in Paris. Her father is a Foreign Service Officer (FSO) and she grew up in Europe and we wanted to give the same kinds of experience that she received to our children. So, we were fortunate enough to be able to get two jobs over in Paris to be able to do that.

Chairman CARPER. That is pretty good duty.

Mr. ROTH. It is good to marry well, Senator. [Laughter.]

Chairman CARPER. Let us talk about maybe the first 30 days, first 60 days, first 90 days if you are confirmed. And Dr. Coburn said to me just before we were getting into the Q and A that he thought maybe this is a nomination we could mark up off the floor, and that would be great if we could do that even this week. That would be great. But, just talk about the next 30, 60 days after you are confirmed, if you are confirmed, hopefully.

Mr. ROTH. Certainly. It has been my experience that when you go into any job, you need to do some diagnostics. You need to understand what the situation is before you can make any significant changes. And I think a good leader needs to listen. He needs to listen to the people who work for him. He needs to listen to his management team. And he needs to listen to stakeholders, both within DHS and outside of DHS, to understand exactly what the situation is.

So, I intend, if I am fortunate enough to be confirmed, to spend that first—and I do not know how long it will take because some

of it will simply depend on what it is that I find—that first period of time doing some analysis and understanding exactly what the situation is.

Now, there are certain issues, of course, that will just come up immediately and we will simply have to deal with those as I find them.

Chairman CARPER. In looking at your background, one of the folks you worked for along the way was former Congressman Lee Hamilton——

Mr. ROTH. Yes.

Chairman CARPER [continuing]. Who was, I think, Co-Chair of the 9/11 Commission. He was, believe it, one of my mentors in the U.S. House of Representatives where I served, and Dr. Coburn and some others on this Committee served. Talk to us about the mentors that you would look to to help guide you and help you prepare for these new responsibilities—maybe you have already met with, talked with, and who you expect to look to for guidance and counsel in the days ahead.

Mr. ROTH. Yes. Certainly, one of the things that I have done is in the job that I have had in the Justice Department, I have been able to be fortunate enough to meet with a number of Inspectors General in preparation for this hearing and hopeful confirmation. I have met with a number of them. Michael Horowitz, for example, at the Department of Justice is somebody I worked for when I was in the Criminal Division, and there are a number of others that I have met with, including Rick Skinner, the former Inspector General in the Department of Homeland Security, who I knew, again, when I was at the U.S. Attorney's Office in D.C. and we worked together. So, there are a number of people and a reservoir of expertise that I can draw on to move forward on this.

Chairman CARPER. I will ask this last related question and then turn to Dr. Coburn, but of the folks that you have already met with or talked with, including some of the folks who you just named, what are some things you have learned from those conversations?

Mr. ROTH. That the job of Inspector General is a very difficult one to get right, but it is a very important job to get right. And, as I said, I am going to move with due care, deliberate speed, talking to the folks who have done this before to understand the best way to move forward.

Chairman CARPER. All right. Thanks very much. Dr. Coburn.

Senator COBURN. Well, thank you again. One of your statements made in your opening statement, that you would work to avoid any undue influence, how do you do that when you have a Member of Congress or a significant management officer at Homeland Security trying to influence you? How do you put that off?

Mr. ROTH. Right. Well, I mean, one thing is an understanding of the Inspector General Act, and Congress passed the Inspector General Act and it had the recent amendments to the Inspector General Act to insulate the Inspector General from exactly that. So, I take great comfort in the fact that if I am confirmed, there are statutory protections that are there.

I would also say that the ethos of at least a line prosecutor in the Department of Justice is that you follow the facts wherever they go. Whether the heavens fall or not, you go and you find the

truth. So, that has been my credo throughout my career. There is no reason it should change if I am fortunate enough to be confirmed.

Senator COBURN. How do you imagine you will handle inquiries from Congress about investigations or audits?

Mr. ROTH. I mean, that is something, certainly, that we will have to take a look at. In speaking, for example, to former Inspector General Skinner as well as current Inspectors General, there is a fairly firm rule that we do not disclose the results of investigations until the investigation is final, and there is a number of good reasons why that is the case, particularly because you do not want to get it wrong. It does the Inspector General no good. It does Members of Congress no good if we put out piecemeal information that lacks context or may, in fact, be inaccurate. So, that would be one of the rules that the former Inspector General conveyed to me, which I think is very wise counsel which I am going to follow if I am confirmed.

Senator COBURN. One of my concerns, and it is not just with the IG at Homeland Security, is, oftentimes, the findings of IGs on very good work is criticized by Members of Congress because they disagree with the outcome. And one of the things that concerns me is that those IGs do not come and defend their product, which also leads to poor morale, because if you have a group of people that work for a year or a year-and-a-half on a project and it is factually based and cogently deduced, and then it is put out and it receives criticism because it is not the expected outcome, and if the IG does not vigorously defend that work product, that undermines morale.

It is my hope that when you all put out a product and it is criticized for political reasons, not factual reasons, that you, in fact, will defend that. Do you have any comments about that?

Mr. ROTH. I take your advice to heart, and I believe that is good advice and that is something that I will do. I am a trial lawyer by heart, or by profession, so I am used to——

Senator COBURN. And by heart,

Mr. ROTH. Yes, exactly. So, I am used to defending myself——

Senator COBURN. Yes.

Mr. ROTH [continuing]. And I am more than happy to—facts are what facts are and we will let facts speak for themselves.

Senator COBURN. One of the things you did when you worked at DOJ was facilitate the agency review process for IG reports. You noted the importance of an agency component being given sufficient time to comment prior to issuing the report, and I think that is important, too, because IGs do not always get it exactly right. How do you view the current comment period at DHS OIG, and do you think DHS has enough time right now? How much time should they have to comment, and would you recommend any changes to the process?

Mr. ROTH. My understanding is that the internal deadline is a 30-day deadline for comments, and again, it is going to be a balancing act, depending—you certainly want to get a product out in time for it to be relevant to the Committee or to the public or to the Administration. But, as you indicate, it is important to get it absolutely right. My understanding is that the 30-day time period can be waived under certain circumstances. So, I really think it

will depend on sort of the complexity of the report, the seriousness of it, and whether or not there is controversy attached to it.

Senator COBURN. OK. Thank you.

In November, I sent a letter to Acting Deputy Secretary Rafael Borras asking about the status of DHS's open recommendations, and according to the IG's Office, the Department had 1,239 open and unimplemented recommendations as of March 13, 2013. They could not tell us as of November, which is concerning in and of itself. Some of those recommendations are over 10 years old. What is your feeling about that, and how do you plan to followup and effectively move on those recommendations, whether you use us as a capability of trying to get that done or internal to your office?

Mr. ROTH. I share your concern, Senator, with regard to that. It makes no sense to spend the resources and time to write reports and make recommendations if they are not going to be followed or not even agreed to. And, if I am confirmed, I think the first thing that I would need to take a look at is in that long list—I mean, one, is this a capacity problem? Is this a political will problem, because each of those problems are different. So, my intention would be, if I am confirmed, to get with the senior leadership within DHS to try to do some triage on those recommendations to understand what it is that needs to be done.

I also think that, if I am confirmed, that the IG's Office needs to pay a little bit more attention to follow-up, have some sort of feedback loop in which we have ticklers where, if things are not progressing as they are supposed to, we can write reports or notify the Committee or bring it to the attention of the senior leadership within the Department.

Senator COBURN. OK. There is a large backlog of cases with the DHS OIG. I will not go into details because some of these are law enforcement sensitive. One of the challenges you are going to face is this backlog on open corruption investigations. Do you have any thoughts about how to handle that workload?

Mr. ROTH. Certainly, if I am confirmed, I would like to go in and have a good talk with the Assistant IG for Investigations to understand, do you have the resources? Are we overloaded in certain ways? Is there a way we can do this? This is a continual problem for investigative agencies as well as prosecutors' offices. I am well familiar with having a significant case backlog. When I was the U.S. Chief of Narcotics in Miami, it was the busiest narcotics office in the country. So, managing caseloads is a constant problem. It requires just constant attention.

Senator COBURN. And priority setting.

Mr. ROTH. Exactly.

Senator COBURN. All right. I have two more small questions, if I might, and then I can be finished.

In October, the U.S. Office of Special Counsel released a report that indicated a large amount of administratively uncontrolled overtime fraud by the Department employees at DHS. This is about $1.9 billion since 2010. It is unknown how prevalent this fraud is within the rest of the Department. Are you aware of this issue, and if confirmed, would your office investigate this?

Mr. ROTH. I have read the media reports with regard to that, so I am aware that this issue is out there and I am certainly happy

to take a look at it, if I am confirmed, and see what it is that the IG's Office can do.

Senator COBURN. And then my final comment: As you know, there is an ongoing investigation by the IG's Office on the Deputy Secretary. It is important that that be completed—one, that it be accurate for the benefit of Mr. Mayorkas, and two, that it is completed in a prompt manner and in a way that nobody can attest or challenge its scholarly basis. What I would like is a commitment from you publicly today that that will be a priority, because it is unfair for him to be in his position and that investigation to continue.

Mr. ROTH. Yes. If I am confirmed, that will be a top priority.

Senator COBURN. Thank you.

Chairman CARPER. As we say in political campaigns, I am Tom Carper. I approve that message, so all right.

Senator Johnson has joined us. Senator McCain has joined us. In the order of folks showing up, it will be Senator Tester, Senator Enzi, Senator Johnson, and last but not least, Senator McCain. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman.

Once again, thank you for being here today, John. You have talked about your expertise in criminal investigations and I think it is solid. In your opening statement, you talked about your experience with audits, particularly financial audits. Could you elaborate some more on your expertise in audits and investigations, or inspections, I mean, as it applies to this job.

Mr. ROTH. Certainly. I think probably the best analogous experience I can give you is my work on the 9/11 Commission, where we ran the team that looked at the terrorist financing, and it really was a governmentwide audit. It was not of a single agency or a single component within an agency, but it was of the entire U.S. Government structure, how it worked—how terrorist finance worked in the intelligence community, how it worked in law enforcement, how it worked in diplomacy, how it worked as the policymaking apparatus, how it worked as a regulatory effort, as well.

So, we spanned dozens of different agencies, looking at this. We wrote a report. It is very analogous to a criminal investigation in many ways. You review documents. You interview individuals. It is just the product happens to be different. The standards are not "beyond a reasonable doubt" but whether or not you are well founded in your conclusions. And, of course, it is important to get the report right, make it readable, make it understandable not only to the intended audience of experts but as well as the general public.

If you look at the kinds of things that I would do if I was confirmed, you can look at that as an example.

Senator TESTER. How long did that governmentwide audit take?

Mr. ROTH. It took approximately 14 months. At least, my part of it took approximately 14 months.

Senator TESTER. And then that is when they put out the results, was—do you remember?

Mr. ROTH. Yes. I do not want to be precise, exactly, but——

Senator TESTER. No, give me a ballpark.

Mr. ROTH [continuing]. It was approximately 14 to 18 months.

Senator TESTER. So, from a timeline standpoint, and we hate to put timelines around investigations, but the fact is, what kind of standard do you set as far as IG work? I mean, when do you like to have it done? And I know there is complexity, but what is the extended time?

Mr. ROTH. Senator, I wish I could give you an answer that says an investigation should take 6 months. The difficulty is——

Senator TESTER. Got you.

Mr. ROTH [continuing]. It just depends on the investigation.

Senator TESTER. How about FDA? I mean, what has been the longest? What has been the shortest?

Mr. ROTH. We resolved an investigation that was out there for 6 years a couple months ago, and, we have quick hit investigations that take a matter of months. And some of it depends on are you trying to get evidence from somebody who takes their time giving you evidence, for example? Are you having trouble gathering documents? Are witnesses available to you? Unfortunately, I——

Senator TESTER. Got you.

Mr. ROTH [continuing]. I wish I could give you an answer, but I cannot.

Senator TESTER. That is fine. I appreciate the Ranking Member talking about the overtime issue because it is a big issue, and I appreciate your willingness to look into it. I think we have potential to have a legislative fix. It is sitting in Homeland Security and OMB right now, and hopefully, we can get their perspective out sooner rather than later because it is a big issue and I am glad you are willing to deal with it.

I want to talk about cybersecurity for a second because there are huge investments being made in DHS in technology, billions of dollars. Back in 2011, the DHS IG released a report saying that the Federal Emergency Management Agency (FEMA) information technology (IT) infrastructure management were not sufficient to support their mission. We wrote a letter on this Committee to Secretary Janet Napolitano saying that if FEMA could not continue to manage its IT systems and future investments with a "do it your own way" approach, which is spot on—this is not the first time that we have talked about IT problems, systems that are not compatible with the greater goal of the Department.

What kind of emphasis have you or will you place on IT when it comes to DHS? What have you applied to FDA as far as waste, overlap on these programs that literally cost billions and billions of dollars?

Mr. ROTH. Sure. Well, in the Office of Criminal Investigations, we run our own IT shop, both the IT that we need to do our daily job, which includes some specialized databases and the like, as well as doing the forensics IT in an investigation, for example, with seized computers or Internet investigations.

I know that the Office of Inspector General has done quite a bit of work in this area. I know that there is a report that was recently released with regard to the efforts in the Department with regard to this. It was a fairly mixed scorecard, that there had been progress made but significant progress to be done. And certainly, if I am confirmed, I would continue that work.

Senator TESTER. What kind of work did you do in IT with the FDA? That had to be a fairly large component in FDA, as I would imagine.

Mr. ROTH. It was. Because the Office of Criminal Investigations is sort of a sub-unit, we ran our own IT shop. I would not call it extensive, though.

Senator TESTER. OK. All right. Well, once again, I want to thank you for your willingness to serve and thank you for being here today, and hopefully, we can both hope for a quick confirmation. Thank you.

Chairman CARPER. Thanks, Senator Tester. Senator Enzi.

OPENING STATEMENT OF SENATOR ENZI

Senator ENZI. Thank you, Mr. Chairman.

Thank you, Mr. Roth, for being here. I am pleased to see that you have experience with several financial investigations like September 11, 2001, that go beyond the usual audits that Inspectors General make. I am an accountant by training, as is my colleague, Senator Johnson, and one of the things being an accountant will teach you is that numbers do not lie. You can use your experience investigating fraud, money laundering, financial corruption, as well as inefficiency, duplication, and wasteful spending of taxpayers' dollars at the Department of Homeland Security.

In November, about the time you were nominated, the Government Accountability Office reported that the Transportation Security Administration (TSA) program for screening passengers by behavior detection techniques cost $900 million since 2007 but was ineffective at improving safety. Would you agree this is an example of the kind of program that you could be proactively looking at?

Mr. ROTH. Yes, Senator, you are——

Senator ENZI. How would you do it?

Mr. ROTH. You are referring to the Screening of Passengers by Observation Technique (SPOT) program, I believe, and the Inspector General's Office, in fact, wrote a report with regard to that—actually, several reports regarding the fact that, currently, TSA does not have any measures of effectiveness. They do not know exactly whether or not the program works as intended. I also have reviewed some GAO audits with regard to that which have essentially come to the same conclusion.

So, you are correct to be concerned, and if I am confirmed, I certainly will continue the work in coordination with GAO that the Inspector General has already done.

Senator ENZI. OK. Thank you. So, whistleblowers can also play an important role in identifying waste, fraud, duplication, and unnecessary programs, and so in addition to reporting potential illegal activities, I am glad you have indicated that you want to take whistleblowers seriously. What do you think is the best way to encourage the DHS employees and members of that community to come forward with ways to help the organization run more efficiently?

Mr. ROTH. I know that the Inspector General community has standards by which they encourage whistleblowers to come in, for example, tip lines, 1–800 numbers, things that they can do on the Web site to encourage people to come in. There is also a publicity

campaign within the agency, or within the Department, to ensure people understand what their rights are as whistleblowers. And, ultimately, I think, what people will see is that if we treat whistleblowers seriously, we treat them with the kinds of sensitivity that is necessary when you are dealing with a whistleblower, then they will come in.

Senator ENZI. OK. Thank you. Now, the Transportation Administration is also expanding prescreening of passengers before they arrive at the airport, and that is supposed to streamline the security for many passengers. But there are concerns that it includes a wide array of personal information, including financial information, tax information, property records, all sorts of things, and a lot of people are telling me that they wonder what is being done with all that information that is collected on the passengers. What do you see as the limits of the kind of intelligence gathering on U.S. citizens by the TSA or other agencies in the Department of Homeland Security?

Mr. ROTH. I am not familiar with the specifics that you are referring to, Senator, but certainly, privacy is important and we need to balance, obviously, individual liberties with the safety of the traveling public. I am more than happy to take a look at this and explore that with the Committee, if you so choose.

Senator ENZI. So, you would work proactively to identify any of this data collection that is not necessary for passenger safety?

Mr. ROTH. Yes.

Senator ENZI. Thank you. I do not have any other questions.

Chairman CARPER. Thank you, Senator Enzi. Senator Johnson.

Senator COBURN. Just one note for the record.

Chairman CARPER. Sure. Please.

Senator COBURN. There are three accountants sitting at the dais.

Senator ENZI. Yes. [Laughter.]

Senator COBURN. I just wanted to be sure I was recognized.

Senator JOHNSON. I was actually going to point that out, Senator Coburn. [Laughter.]

Chairman CARPER. All right. Senator Johnson.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman.

Mr. Roth, thank you for taking the time, coming in and seeing me in the office. I am very pleased with this nomination. I think your background is going to suit you well for the challenge ahead.

I thought it was interesting. You said you have read an awful lot of these reports and you understand the challenges. God bless you for still being willing to serve here.

Senator Coburn started talking about how you are going to prioritize your activities here. Can you just talk about the criteria you are going to use in prioritizing the caseload?

Mr. ROTH. Sure. I have a deep background. There are always more cases than there are resources in the Department of Justice, so it is second nature to have to prioritize things. And typically, the way we prioritize them is by risk, and not only sort of public safety risk, but I think the Department is facing two challenges. One is, of course, to fight terrorism, which is an existential threat that we can never disregard or minimize. But there is also the threat that

faces us with regard to the financial situation that we find ourselves. So the other way I would prioritize it is the threat to the taxpayer, the kinds of money that are going out and the potential savings that an investigation could have.

Senator JOHNSON. So, level of threat and the dollar value.

Mr. ROTH. Correct.

Senator JOHNSON. Obviously, you report to the Secretary of the Department. Who do you think you work for? Can you just kind of, just in general, what your feeling is, if you understand the thrust of my question.

Mr. ROTH. I do, and this is something that I have had conversations with a number of Inspectors General about, because that is the fundamental challenge of a position like this, is that you report to—not only do you report to the Secretary of the agency in which you work, but you also report to Congress. It is a dual reporting requirement by statute. And, ultimately, for me, I have to report to myself. I have to do the job that I believe that I was hired to do by the American people. And it is going to have to happen on a case-by-case basis, and I will try to figure these things out as we go.

Senator JOHNSON. We were talking earlier about how you handle reports and how the agencies, the time they are allowed to review the reports. I would like you to address how, then, should those agencies—how should that be included in those final reports. What is the appropriate way for that to be incorporated?

Mr. ROTH. My understanding is that the general way it is done in the Inspector General community, as well as the GAO, is that you conduct your investigation, you write your report, and then you give the agency an opportunity to comment on it. And the reason you do that is it is critically important that you get your facts right. So, to the extent that they want to change facts or argue about the facts, perfectly happy to do that, if I am confirmed. Obviously, conclusions have to be Inspector General's conclusions and no one else's.

Senator JOHNSON. Would those facts be actually changed in the reports, or does the report stand as published by the IG's office and then those comments or the changed facts would be as an addendum to that?

Mr. ROTH. They would actually be changed within. My dealings, for example, with Glenn Fine, the former Inspector General in the Department of Justice, was that you could actually do a line edit of the report itself, not changing facts, but you are changing language within a report, and then if you have arguments as to the conclusions that those facts reasonably lead you to, that would be an attachment to the Inspector General's report.

Senator JOHNSON. You are aware of the problems within the IG's Office, and I see the Chairman of my Subcommittee on Financial and Contracting Oversight has just joined us here. We will be publishing a report. I do not want to talk about specifics until we actually publish it. What would be your intentions in terms of how you would handle a report, and maybe that is not a particularly fair question, but there are some real problems of independence, some improper behavior. Is that something you are going to be dealing

with, or is that something you push off to the Council of the Inspectors General on Integrity and Efficiency (CIGIE), or——

Mr. ROTH. With regard to the previous management within the office, I think I need to take a look at exactly what the situation is. I look forward to the report that your Subcommittee will produce and I will take a look at the facts and determine whether or not it is appropriate for me, it is appropriate for CIGIE, it is appropriate for someone else.

Senator JOHNSON. OK. But you will work closely with our Subcommittee, then, to try and get some fair resolution to that situation?

Mr. ROTH. Absolutely, Senator.

Senator JOHNSON. You said you have read a number of reports. Have you reviewed the culture report from the IG's Office on the Secret Service?

Mr. ROTH. I have.

Senator JOHNSON. What was your conclusion, reading that?

Mr. ROTH. To be fair, Senator, I would really like to talk to the people who wrote that report and understand exactly what was going on before I comment on it.

Senator JOHNSON. OK. It did conclude that they did not find any evidence that misconduct is widespread in the U.S. Secret Service. Is that kind of the feeling you got from that report, that the report was substantive enough, that it was rigorous enough to be able to draw that conclusion?

Mr. ROTH. It is a long report and I think there are facts on both sides of that conclusion as you read that report. For example, the individuals who, for example, had witnessed solicitation of prostitution, none of them reported to the supervisors, and the reason the vast majority of them did not report it is that they believed either that they would be retaliated against or that nothing would occur. But, again, I do not want to get into the substance of that report——

Senator JOHNSON. Sure.

Mr. ROTH [continuing]. Until I actually talk to the authors.

Senator JOHNSON. Let me just go over a couple of numbers, because I am an accountant and I do like numbers. Sort of the basis of the conclusion was really a voluntary survey, 41 percent of the personnel in the Secret Service responded to that. So, 41 percent. Of that, 83 percent said they were not familiar with that kind of behavior, which means that 17 percent were familiar with that kind of behavior. So, the survey was answered by 2,575 employees. Twenty-one-hundred-and-forty-four said they were not familiar with that behavior, but that means 431 members of the Secret Service personnel actually were familiar with that kind of behavior.

So, I guess my point would be, I am not sure I would draw that same conclusion, so I am still concerned. I remain unconvinced during the hearing we had in May 2012 that this may not be a bigger problem in the Secret Service. I think it is incredibly important that we restore the credibility of that agency, so I hope you will also work with us in terms of getting to the bottom of that situation, as well.

Mr. ROTH. I am happy to.

Senator JOHNSON. OK. Thank you, Mr. Chairman.

Chairman CARPER. Before I turn to Senator McCain, we had a hearing here, about a year ago, and the Director of the Secret Service Mark Sullivan was here to testify with respect to Cartagena. And at the end of my conversation, my questioning of him, I recounted the story of the parable in the New Testament where a woman was about to be stoned and Jesus said to those who would stone here, "Let those of you without sin cast the first stone," and everybody eventually dropped their stones and walked away. And then He turned to the woman who was about to be stoned and He said to her, "Go and sin no more."

My admonition to the Secret Service was, go and sin no more, and the interesting thing for me is looking ahead, not just what happened, but in terms of the behavior that flows or the change of the behavior that has flowed from that incident. I am interested in looking and learning with Senator Johnson, and certainly with Senator McCaskill, about the changes in behavior and maybe changes in culture that have flowed from the investigation, all the attention and the change in management in that agency.

All right. Senator McCain, good to see you.

OPENING STATEMENT OF SENATOR McCAIN

Senator MCCAIN. Thank you, Mr. Roth. You bring, I think, great credentials to your position. I was reading your opening statement. You said you lead the team in the 9/11 Commission looking into U.S. Government preparedness and reaction to the 9/11 attacks as it related to the financing of terrorism. How are we doing since then?

Mr. ROTH. Unfortunately, Senator, I have not been close to the data or the intelligence since I wrote that report, so it is difficult for me to conclude one way or the other.

Senator MCCAIN. DHS has experienced a number of serious acquisition failures. The most egregious in my view was the failed SBInet project, a virtual fence that was supposed to encompass the entire border. It cost the taxpayers a billion dollars and covers only 53 miles. I would hope, and I admittedly speak in a very parochial viewpoint, I hope you will look at the measures that are being taken and expenditure of tax dollars on border security. The border in my State is still not secure. We have spent billions of dollars on border security and I believe that the SBInet is a scandal. It was a scandal when you spend over a billion dollars and end up with 53 miles of surveillance capability.

I hope that one of your priorities would be to look at the whole issue of what we are doing on the issue of border security. There is still an enormous flow of drugs across our Southern Border. There are still problems, serious problems, with human smuggling and all of the terrible aspects of that, the mistreatment of these people by the coyotes. The violence in Mexico continues as a result of that. And I know of no one who has intimate knowledge of our Southern Border who would agree that we have increased sufficiently border security for us to tell the American people that we are at least within range of compliance with the comprehensive immigration bill which we passed which requires 90 percent—quote, "90 percent effective control of our border." We do not have that.

Another aspect of this I would like you to look at is the metrics with which we measure border security. Before this Committee, the former Secretary of Homeland Security testified that because apprehensions were down, that meant that our border was more secure. Well, we know now that because of the economic recovery, primarily, apprehensions are up. Does that mean, therefore, that our border is less secure? Obviously, we do not have metrics to determine the degree of border security that we have.

I think that it is pretty logical to argue that if we do not have a secure border, that sooner or later, someone who wants to commit an act of terrorism will come across a border that is not secure. I think that it falls directly into the issue of national security, the issue of security of our border.

And, by the way, our commerce and our trade with Mexico has dramatically increased. We have a good government in Mexico now, in my view. But we still have not, in the estimate of the people that I know who are living and working on the border, anywhere near the adequate security of our border that would be necessary to be able to ensure to our citizens that they have a sense of security and ability to prevent another attack on the United States of America. I would like to hear your response to that.

Mr. ROTH. Yes, Senator. I share your views that an unsecured border is pernicious for a number of reasons. I am a former narcotics prosecutor and investigator and I am well familiar with the challenges on the Southwest border with regard to narcotics trafficking. And as you indicated, it is a magnet for organized crime, for human trafficking, for all sorts of criminal behavior.

DHS, from my view and my review of the materials, spends a lot of money attempting to secure the Southwest border. I think it is important to be able to have metrics, to understand whether or not we are getting what we asked for or what we are spending our money on, so I am happy to take a look at that issue and see if the Office of Inspector General, if I am confirmed, can add to that analysis.

Senator MCCAIN. Well, I hope you will, because a rather extraordinary thing happened in the confirmation of the new Secretary of Homeland Security, and that is he refused to give this Committee, me or Members of this Committee the metrics that are required to comply with the law that we passed of 90 percent effective control of our border, probably one of the first outcomes of the so-called "nuclear option," because under a previous situation, I would have insisted on receiving that information, which I think is a legitimate request by Members of Congress, which leads me almost not to have come to this hearing today or any other hearing that the Secretary of Homeland Security is present, because if he refuses to give fundamental information that is necessary for me to represent the people of my State as far as border security is concerned, we have made a mockery of the advise and consent.

And I say to my good friend, the Chairman, again, I am deeply disappointed that you would not insist that I receive that fundamental information, and it will affect the degree of cooperation or the ability to work together.

I thank you, Mr. Roth.

Mr. ROTH. Thank you.

Chairman CARPER. Let me just say, in response to Senator McCain's last comments, I am eager to see the Department and the Secretary provide the information you have requested. I expect you will hear from him shortly as the Secretary with an offer to discuss with you just how to go about providing that information. And when he makes that overture, I just would encourage you to be receptive. Thank you.

All right. And next, Senator Ayotte, followed by Senator McCaskill.

OPENING STATEMENT OF SENATOR AYOTTE

Senator AYOTTE. Thank you, Mr. Roth. I am very impressed with your qualifications for this position.

Let me just add that—echo what my colleague, Senator McCain, just said. One of the things that really troubled me, as well, in terms of the recent change in the rules, not only that my colleague could not get a fair answer to his question to the Secretary of Homeland Security, but also that we—I know that you have already been asked about it by Senator Coburn—but that we took the unprecedented step of confirming a Deputy Secretary to the Department of Homeland Security who was under active investigation by the OIG, and I do not think we would have previously done that but for the change in these rules.

And so let me just add to what Senator McCain said, that I very much hope that we can get answers to legitimate questions that our constituents have, and I hope in your new position you will take very seriously that this investigation, despite confirmation, should not be swept under the rug or not followed through. I hope you will give us that commitment.

Mr. ROTH. Yes, I will, Senator.

Senator AYOTTE. I appreciate it. Thank you.

I wanted to ask you about the relationship that OIG has with GAO and how you anticipate that relationship would be in this new position when you are confirmed, and how important do you think GAO is to your work, and also whether you have had an opportunity to look at some of the work that is being done on data consolidation. There is a tremendous number of data centers across government that are being consolidated and that DHS is doing a tremendous amount of work on that, of taking 101 of those and working to consolidate those to 37. What position do you think you could help in terms of IG of helping us manage the data more efficiently and in particular focusing on saving money for taxpayers.

Mr. ROTH. Senator, to answer the GAO question first, if I may, during the preparation for this hearing as well as the nomination, I was able to read a number of GAO reports with regard to Homeland Security and they have done an enormous body of work, including the work that they have done on the High-Risk List. I was fortunate enough to meet with members of the GAO prior to this hearing, including the Comptroller General, and I am confident that we can work with each other and not duplicate each other's efforts, but, in fact, leverage off each other's reports to work in a way that makes sense for DHS, for this Committee, and for the American people.

With regard to the data centers, I will confess not to have any background in that. I have not reviewed materials on that, but I am certainly happy to take a look at that, should I be confirmed.

Senator AYOTTE. I appreciate it. Other Members of this Committee—most of the Committee, we have worked on this issue, to introduce legislation to improve the consolidation efforts of the data centers. But this is an area where it is, just frankly, a mess, and we could save a tremendous amount of taxpayers dollars and, frankly, I think, do a better job on this issue. So, I hope you will focus on it in your new role.

I also wanted to ask, as well, about the issue—I know Senator Tester touched upon it—but in October 2013, the Office of the Special Counsel of Investigation revealed that some Department of Homeland Security employees were abusing an administratively uncontrolled overtime pay system and amassing millions of dollars in unearned pay. The report found that the problem was profound and entrenched.

This is just one example of, obviously, waste, fraud, abuse that you are going to have an incredibly important role in revealing. Have you had a chance to review that particular report or investigation, and what is your view on it, and what do you think you can do in terms of when something is described as entrenched, of changing the system?

Mr. ROTH. Certainly. And I have read the reports. I have not spoken with anyone, for example, with the expertise of a back-up document, so it is difficult for me to opine on exactly what is going on. My sense is that it is a statutory problem that probably lends itself to a statutory fix, but this is something, certainly, I would be happy to take a look at if I am confirmed.

Senator AYOTTE. Well, that would be great, and I know that I, for one, would look forward to working with you on whatever statutory fix needs to be made to ensure that this does not happen in the future.

And then, finally, as a followup, you were asked by Senator McCain about your experience on the 9/11 Commission and you said that you have not, obviously, been privy to the information post-9/11 Commission involvement. I would hope in this new position—I would be very interested in hearing your impressions once you are able to dig in as to where we are and a reassessment of how much progress we have made and what else we need to do.

And one of those issues that I think is important is the Boston Marathon bombing. I know that the IG from the Department of Justice is looking at the information sharing that went on in advance of the bombing with regard to contacts that various Federal agencies had with the Tsarnaev brothers. I think that in this new position, you could play a very important role in terms of the information that may have come to DHS's attention and how we can ensure that that information goes all the way down to the ground level so that from the officer on the street, to our Federal Bureau of Investigations (FBI) agents, to our Joint Terrorism Task Force, that we are aware of prior contacts like that.

So, I do not know if you have had a chance to review any of that or to have any interaction on this issue involving the Boston Mara-

thon bombing, but I believe this is an important issue, as well, for your new position.

Mr. ROTH. Yes. I am aware that there is a pending investigation. My understanding is this is a joint investigation between a number of IGs, including the DHS IG.

Senator AYOTTE. Great. Well, I look forward to you putting a very strong priority on this, and I think you bring a special expertise to it, given your experience on the 9/11 Commission, to put it in perspective.

Mr. ROTH. Thank you.

Senator AYOTTE. Thank you.

Chairman CARPER. Senator Ayotte, thanks for your questions. Thanks for being here.

Senator McCaskill, welcome. Good to see you.

OPENING STATEMENT OF SENATOR McCASKILL

Senator MCCASKILL. Thank you. Good to be here.

First, let me address your family for a moment. Your dad and your husband has a great deal of talent and capability and he has chosen in his life to not go out and make huge money, but rather to toil away in office buildings in very dangerous work for most of his career. And I want to thank you all. I know how proud you are of him and I want you to know we appreciate the sacrifices that you make every day so that he can continue to serve the public.

I am glad you are going to be here. This is a really important IG job. You have a real morale problem on your hands, Mr. Roth. You have a staff that is divided between those who were making the accusations against Mr. Edwards and those who were hired by and remain loyal to Mr. Edwards, and that is a very difficult management challenge. I am sure that all of them, regardless of whether they were the whistleblowers on the inappropriate conduct of your predecessor or whether they are some of the talent that Mr. Edwards may have brought to the agency—figuring out how to meld that together in a working unit and get past these serious morale problems that you have right now is really going to be a challenge.

Do you have any plans as to how you are going to bridge the divide between these two camps that have been warring for some time at this IG's Office?

Mr. ROTH. I acknowledge this is going to be, if I am confirmed, a very significant issue that I am going to have to face early on, and one of the things that I have found in agencies that have morale problems and have these kind of warring camps is a lack of focus on mission, and I think it is very important to refocus people on the very important mission that the Inspector General's Office has, particularly in an agency like DHS, where there is so much good work to be done.

So, my goal is to try to have people hit the reset button, and whatever happened in the past has happened in the past. I was not involved in that. I take no position on it. But what I do take a position on is people are going to do their jobs, they are going to focus on the mission, and we are going to get this thing done right.

Senator MCCASKILL. You have two agents in the field office in McAllen, Texas, that were indicted for falsifying records to conceal

real lapses in your office's standards. I am biased in this regard. I believe that the job of an auditor and the job of a prosecutor are kissing cousins because both of them must be dictated by the facts and they must have an incredible rigor about following the facts and not any political considerations. Those decisions have to be brutally independent, and by their very definition, they are difficult.

Obviously, you have, once again, warring factions and conflict, because many of the field offices under your supervision believe they have suffered in morale because of the heavy hand of the central office. On the other hand, you have got people being indicted for concealing information—for falsifying records to conceal information in regards to standards. Have you given any thought about how you marry those two difficult propositions?

Mr. ROTH. No. And, again, this is a difficult proposition and I agree with you that it is going to take some work to do. I am fortunate in the fact that there are new Assistant Inspectors General in both the audit and the investigation function that, my understanding, were not involved in many of these things. I am going to get with those folks, but the other thing I am going to do is pack a suitcase and fly down there and figure out what the problems are, to be a good listener and see if we can resolve these issues in a way that is best for DHS, and again, focused on the very important mission of the Inspector General's Office.

Senator MCCASKILL. Having reviewed your record and had an opportunity to visit with you at some length about the job that you were are willing to undertake—which I am grateful that you are willing to undertake it—I have a few questions that I want to get on the record, not that I think your answers are going to surprise me here, but I think it is important, and I think you appreciate getting things on the record and how that is important as we try to continue to do the right kind of oversight and accountability of this agency.

Do you ever believe it would be appropriate to negotiate the timing of a release of a report with DHS for any reason?

Mr. ROTH. No, Senator.

Senator MCCASKILL. If you are asked to remove information from a report by the Secretary's office, would you inform your Assistant IG for Audits or Investigations or others about such a conversation?

Mr. ROTH. Yes.

Senator MCCASKILL. Under what circumstances is it appropriate to ask the Secretary's General Counsel for legal advice?

Mr. ROTH. I am not sure whether there is ever a circumstance in which that is necessary. The Inspector General Act, as you know, gives the Inspector General his own General Counsel and the right, also, to ping other General Counsels of other Inspectors General. So, I am not sure of a circumstance in which I would do that. There may be one. I simply cannot think of one off the top of my head.

Senator MCCASKILL. In the IG's communications with Congress, under what circumstances would it be appropriate to share information with members or staff of one party but not of the other?

Mr. ROTH. Again, it is hard for me to conceive of a circumstance where that would be appropriate.

Senator MCCASKILL. Well, and I think that is something that—it is a very hard thing to do around here, to be agnostic——

Mr. ROTH. Sure.

Senator MCCASKILL [continuing]. About party identification. If there is ever a place that it is essential, it is in the role of IG. The minute you try to play ball with one side or the other—it does not matter whether you are playing ball with the Democrats or the Republicans—that means an immediate loss of credibility of the agency because then it is not about the facts, it is about the politics.

I just wanted to make sure I got all that on the record at this hearing. I look forward to you having some uncomfortable moments in my Subcommittee and also look forward to working with you to try to strengthen the independence of your office. And, obviously, I know the Chairman and Senator Johnson, who is the Ranking Member of my Subcommittee, I know all of us just want you to be able to succeed and do the work that this agency so desperately needs.

Thank you, Mr. Chairman.

Mr. ROTH. Thank you, Senator.

Chairman CARPER. Senator McCaskill, something that you said and something that Mr. Roth said earlier, I was talking to him about the values that he learned from his parents, and one of the things that he mentioned is integrity. I think Senator McCaskill really just gave you some real good advice and I would like to second it.

One of the great quotes I have heard on integrity, though, is this. Integrity, if you have got it, nothing else matters. If you do not have it, nothing else matters. So, that is a great one to learn from your folks for all of us.

I have a couple more questions and then I will yield back to Senator Johnson, if you would like to ask some more. Senator McCaskill, as you are heading out the door, just thank you so much for joining us.

One thought that comes to mind is just in terms of advice, just if, by chance, you are confirmed, but I would urge you, and you may have already done this, to identify IGs that are going into an agency where morale is lapsing, where there has been an agency in turmoil, and talk to whoever has come in and done a good job and just to learn from that person how they have done it.

As you know, the relationship between the Inspector General and a Secretary of a Department or a Deputy Secretary of a Department, in a way, it is sort of an arm's length relationship, but there needs to be an ability to work together. In my previous role as Governor, in working with our State auditor as they audited all of our different agencies, a lot of the information they gave us was good, but we had audits that came from the State auditor that were not timely. They covered a period of time that may have been a year or two ago, that had already been addressed, and there was no recognition of that in the audit.

So, the role that the IG could play can be very, very constructive, very, very helpful, but it has to be timely, and I think the ability to have a good conversation, ongoing dialog, even at times there

will be disagreements, but I think that is important and I urge you to try, and I will urge the Secretary and the Deputy Secretary to work with you to create that kind of working relationship. It will not just help you in the job that you and your folks are doing in the IG's Office, but it will help them make better leaders and it will help, ultimately help the taxpayers. And we will not have anything to do here, right, Ron? We will just have to find other things to focus on.

All right. Program effectiveness. You obviously have extensive experience on the investigative side of the ledger, maybe less background focusing on the IG's mandate to promote general improvement, in this case, in the Department of Homeland Security's operations and programs. I would just ask you to discuss for just a minute or two what experience you have had in identifying program weaknesses and recommending improvements. How would you approach this part of the OIG mission within the Department?

Mr. ROTH. Certainly, Senator, and I think that is absolutely important, that we not only learn from—or be the watchdog and the overseer with regard to DHS operations, but also to try, if I am confirmed, to be the advocate for good government.

Certainly, I have seen that DHS has done some of that. The IG's Office has done some of that. For example, some of the reports with regard to FEMA, the response to, for example, Hurricane Sandy, I believe there was a report that was recently written that talked about the things that FEMA did that made it effective in their initial response to the hurricane. It was more than just a cheerleading session. These are the things that they did with an attempt to sort of advocate that that get replicated in future disaster events.

So, if I am confirmed, that is something I certainly would want to do as I move forward.

Chairman CARPER. A second followup question goes back to acquisitions. The Subcommittee that Senator Johnson and Senator McCaskill lead focuses on a number of things, but one of those is acquisitions, and let me just focus a little bit on that and maybe on the sort of the management side of the ledger at the Department of Homeland Security.

I will say at the beginning, leadership is the most important criteria I have seen for almost any entity being successful. If you have great leadership, I do not care if it is a business, I do not care if it is a school, I do not care if it is a governmental unit, I do not care if it is military, it is athletic, if you have got good leadership, I will show you a team that is on the way up. If you do not have it, then I will show you a team that is probably not going to go far, wherever that team might be, and that is why it is so important.

We are making progress in terms of meeting the need for leadership within DHS. There are still too many gaping holes in the Department, but the Secretary, the Deputy Secretary, this position, if we can fill these and a couple of others this month, that would be great progress.

The Department of Homeland Security has struggled, as you know, over the years, with management of its major acquisitions. Senator McCain referred to one or two of those. In recent years, the Department's leadership has initiated several efforts at the Department level to provide more oversight by headquarters of the major

acquisition of some of the different components. For example, the Department has implemented, they call it an Integrated Investment Strategy, to look at the total needs of the Department so that acquisitions are not carried out in a stovepipe way in those different components.

Let me just ask, what would be your approach to assessing these efforts, if you would, please.

Mr. ROTH. Certainly, Senator. And what DHS has done, in my reading and in my perception, is that they have attempted to put a governance structure on major acquisitions. Whether it be IT or other kinds of infrastructure improvements, you have to have a governance so people understand, what is it that you are trying to do? What is the best way to get there, the most cost effective way to get there?

And I think the IG has a very critical role to play, not only in taking a look at that governance structure, but equally important, to ensure that the components follow the governance structure. So, it is there to protect those components from waste, fraud, and abuse. It is perfectly appropriate for the Inspector General to be able to take a look at that and ensure that they are complying with it.

Chairman CARPER. OK. In terms of acquisition in IT, especially, we spend, as a Committee, a fair amount of time focusing on data centers, IT. We do not do IT all that well in the Federal Government. One of our problems at DHS is they hire people, sometimes fairly junior people, maybe newly out of school, and sometimes with good experience but sometimes not so much. We train them. We get them up to speed. They get hired away by the National Security Agency (NSA) or some other entity in the private sector and then we have to start all over again.

One of the things that Dr. Coburn and I and our Committee have worked on is how do we bolster the workforce to keep abilities in the workforce and enable DHS and the IT world to be able—and the cyber world—to develop the kind of capabilities we have at NSA.

So, let me continue with my thought and my questions with respect to acquisition. It seems while everyone seems to agree that the Department needs stronger management, not everyone is willing to fund the management functions of the Department. I have been particularly concerned about steep proposed cuts in the management side in the House version of the DHS appropriations bill, which is taking shape literally as we meet here this week. Will you be willing to identify management functions within the Department that are weaker than they should be because of lack of funding? Is that something that you could see the OIG helping us in?

Mr. ROTH. I think that falls squarely, Senator, within the OIG mission, and if I am confirmed, I am perfectly happy to take a look at that.

Chairman CARPER. All right. And a third question, and then I will yield to Senator Johnson, but I mentioned cybersecurity a minute ago, and let me just come back to it. But, as you know, one of the greatest challenges that face our Nation and our Federal agencies—I read something, Senator Johnson, just this week that reiterated that again in terms of threats to our national security

that is regarded as a higher one by many than terrorism, and that is regarded by many within our defense agencies, or intelligence agencies. But, the Department of Homeland Security, along with, as you know, many other agencies, plays a significant role in securing cyberspace, auditing complex and highly technical areas such as the cybersecurity posture of the Department requires strong expertise and close collaboration with Department officials.

If confirmed, how would you work with the Department to carry out its role in cybersecurity, and any thoughts you have on how you might improve it, where necessary.

Mr. ROTH. Certainly. And I agree, this is critically important, and it is important not to be fighting the last war but try to prepare for the next war, and——

Chairman CARPER. Yes. We are pretty good at fighting the last one, usually.

Mr. ROTH. I was able to review the testimony and the hearing that this Committee had on the anniversary of September 11 this year, where, for example, Admiral Thad Allen testified with regard to this, and it is critically important.

Chairman CARPER. That was a really good hearing.

Mr. ROTH. It is critically important to get this right. I know that the Office of Inspector General has a specialized unit that takes a look at IT issues. If I am confirmed, I would like to take a look at that and make sure we have the kind of expertise, this kind of vision that is necessary to really add value to the DHS efforts in this area.

Chairman CARPER. All right. Thank you. Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

I would just like to quickly go back to the issue of the Secret Service, respond a little bit to your comments, but also connect the dots between a question I had and one of your previous answers.

There is no doubt about it, we have to be looking forward and we have to make sure that we put the policies in place, the controls in place, so Cartagena does not happen again. But in response to my question about prioritization, your first priority was national security. In no way, shape, or form did I continue to pursue our investigation that was happening of the Secret Service because I relished it. I did it because I truly believe that that type of behavior puts at risk not only people's lives, but our national security.

And I had hoped that the culture report, first of all, would have come back in a far more timely fashion. I would have hoped it would have been far more rigorous. I would have hoped that I could have agreed with its conclusion, that this behavior is not potentially widespread. I still do not know. I hope it is not widespread, but I read that culture report and in no way, shape, or form can I conclude that we do not have a problem in the Secret Service.

So, I guess I just hope that you adhere to your initial answer to my question, that our national security is your top priority in terms of looking at these issues, and I hope you agree with me that this question remains unanswered, because I just simply do not believe the culture report even begins to have as much rigor as what it should have. And my questions started immediately from that May 2012 hearing with Director Sullivan, that I simply do not believe

that the testimony was credible from a standpoint that this was a one-time occurrence. I am still highly concerned. I think the question is still on the table and I hope you truly pursue that so we can get to the bottom of it, we can assure ourselves, and then we can move forward with a credible Secret Service agency that protects people's lives and our national security. Thank you.

Chairman CARPER. Let me just think out loud here, this is something that Senator Johnson cares deeply about, has focused and his staff a lot of time and attention on. So has the IG's Office. So has the Inspector General. He has spent a great deal of time and have come forward, I think, with a timely report. Sometimes, reports take years. Investigations take years to develop a completed product. In this case, I think the agency has come forth with timely work.

What I would urge you to consider doing, both of you, is, if you are confirmed—I hope you will be—that one of the first orders of business will be to convene a briefing on Capitol Hill in which you and the folks that are intimately involved in the investigation brief Senator Johnson and his staff on this matter. And once you have done that, Senator Johnson, you may want to consider spending some time with the still new—Director of the Secret Service and some of her top team. If it is appropriate for me and my staff to join you for that or others, feel free to do that. But that is just a thought there I would lay out for you.

Senator JOHNSON. I appreciate that Mr. Chairman.

Chairman CARPER. OK. Well, so far, so good. I have said to some of our staff here on the Republican side and on the Democratic side, if you are as good as an Inspector General, as you are as a witness, we could be in pretty good hands. [Laughter.]

But, I say to your sons, John and Michael and to your wife Monique, we have a lot of witnesses before us. They do not always deliver testimony that is as succinct and direct as your husband and father has done today, and, frankly, our questions are not always as succinct and direct, either.

I want to walk back a little bit on the timeline that has transpired and led us to this day. This is an enormously important position, important because the Department—ten years sounds like a long time for it to have been around, but it is still a Department with growing pains and a lot of work that needs to be done.

Having said that, this is a Department that, unfortunately, has a low morale. There are a lot of good people in that Department, a lot of good people. They do enormously important work and I know they have been frustrated because they went without a Secretary for about 6 months, a Senate-confirmed Secretary for almost 6 months. They went without a Deputy Secretary for about 8 months. And they need leadership and I think they have good leadership. This is an agency that obviously needs good leadership.

But I want to just go back. I think it was March 1, 2011, that Richard Skinner, the last Senate-confirmed Inspector General for DHS, that is when he retired, March 1, 2011. About 3 months later, the President nominated a woman named Roslyn Mazer to be the IG. So, that is not great, but that is not bad in terms of timing. That was in July 2011. Almost a year later, June 2012, her nomination was withdrawn after not going anywhere for a year,

and it was clear that she could not be confirmed because of the opposition of at least one, maybe two, Members of our Committee.

Fast forward to early January 2012, but I think when Richard Skinner retired, that the Deputy IG became the Acting Inspector General—that would have been back in March 2011—and continued as Acting IG after Roslyn Mazer's name was withdrawn and continued as Acting IG until earlier that year. It became apparent that you cannot be the Acting IG for more than, I want to say, about 210 days. So, after about 210 days, the President could have named somebody else, did not, and so he was, by virtue of being Deputy IG, remained the person in charge of the agency.

Now, so all that transpired between March 2011 and, we will say, the beginning of last summer, the summer of 2013. By that point in time, we had been more than 2 years without a Senate-confirmed IG. And then the White House vetted an unknown individual for the IG nomination and that vetting process went forward and the President was prepared to submit that name, and just before submitting it, the nominee and his or her family decided they were not going to move from California to Washington to really come in and try to help drain the swamp here.

So, the White House started over again, and subsequent to that, about 4 or 5 months later, you were nominated to be our Inspector General at the Department of Homeland Security. I am really grateful to Dr. Coburn and the members of our staffs and our colleagues for their work and for your cooperation and the Department's cooperation in expediting this nomination. But, it has been since March 1, 2011, since we had a Senate-confirmed IG in place. That is just totally unacceptable, almost 3 years. And, as I said earlier, leadership is critical in almost everything in every organization I have ever been a part of.

Apparently, my staff tells me that we cannot—Dr. Coburn suggested to me—in a sidebar conversation earlier this morning, he suggested the possibility of doing a markup on this nomination off the floor. It would not be back here in this room in a very formal way, but we can still meet off the floor—we oftentimes do—in the Capitol and to do a nomination, really, do a short discussion and a vote on the nomination. I understand we cannot do that legally this week, is that correct? It has to be, what is it, a week that has to pass before we can do that. But, hopefully, we can work it out with Dr. Coburn and his staff and our colleagues. I would love to be able to do that maybe next week.

The other thing I want to mention is the issue of how long some investigations take, and Dr. Coburn asked earlier that your office, if you are confirmed, move forward in a timely way on the investigation involving now-Deputy Secretary Mayorkas. It is important that we move forward apace.

I want to just mention another investigation. I just learned about this one. But it goes back to the investigation of a former Special Counsel named Scott Bloch, which was delayed, and the complaints were lodged in March 2005. The investigation concluded in December 2013. On this case, it is not the OIG's office that was the main culprit. Apparently, it was the Justice Department, and it was complicit, if you will, in the delay, and there are other reasons why

it took longer than normal. But, as I am sure you agree, 8 years, really unacceptable by anybody's standards.

So, I would keep in mind the old admonition, justice delayed is justice denied and just make sure that that is something that the folks you lead are mindful of.

You have gotten some advice from us. We hope it is constructive. Friendly advice, that is for sure. Again, I go back. I would urge you to spend some time early on with the Secretary and Deputy Secretary at your convenience and theirs.

I would also urge you to spend, literally within the first month, time with a fellow named Gene Dodaro whom you probably know. Gene is a wonderful leader of the Government Accountability Office, testifies here often, as does his team from GAO. They help us in all kinds of ways. There is a natural bond or a partnership between the IGs and the Government Accountability Office, and I would urge you to make it personal. You are taking up the leadership of an agency that has so many great people there. I think Gene Dodaro and his folks could give you some good advice and, frankly, be very helpful.

The last thing I want to do, I sometimes give people a chance to make a—you made an opening statement. Sometimes, I give people a chance to make a closing statement. If you promise not to take long, I would like to give you that opportunity now.

Mr. ROTH. Thank you, Senator. You will find that, if I am confirmed, conciseness is one of my hallmarks. I do want to——

Chairman CARPER. I have noticed that.

Mr. ROTH. I do want to thank the Committee, yourself, the Ranking Member, all the Members of the Committee, the staff, for the graciousness by which they have taken the time to inform me of the issues. I appreciate the ability to be here today to discuss these very important issues.

As I indicated in my opening, it is critically important to get this thing right. It is important for the American people and it is important for the American taxpayer to get this right. I have dedicated my entire life to public service. I think it is a public trust. My credibility, my personal credibility is the coin of the realm in this town and I have no intention, if I am confirmed, of ever soiling that.

So, I would ask for your support in confirmation, and if that happens, I think I will do a good job.

Chairman CARPER. Well, I think you just might.

I would like to thank Mr. Roth for appearing before the Committee today. I do. I also just want to say to Monique and to John and to Michael, I thought he did pretty good. What do you think? Two thumbs up? All right. You guys, I know it is a comfort to him for you to have his back. All these years.

Mr. Roth has filed responses to biographical and financial questionnaires. He has answered prehearing questions submitted by the Committee and our staff and he has had his financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made a part of the hearing record, with the exception of the financial data, which are on file and available for public inspection in the Committee offices.

And without objection, the record will be kept open until noon tomorrow for the submission of any written questions or statements for the record.

I think, with that, I think it is a wrap. So, we are going to adjourn, and again, my thanks to you and to all who have joined us.

Mr. ROTH. Thank you.

Chairman CARPER. The Committee is adjourned.

[Whereupon, at 11:41 a.m., the Committee was adjourned.]

APPENDIX

Opening Statement of Chairman Thomas R. Carper
Nomination of John Roth to be Inspector General, U.S. Department of Homeland Security
January 8, 2014

As prepared for delivery:

During my years of service on this committee, we've examined a number of management and other challenges made worse by a lack of leadership at federal agencies. Last year - my first as the committee's chairman - I made it one of my top priorities to work with the administration to fill key positions throughout government, particularly at the Department of Homeland Security. I did this because experience shows that we simply cannot expect results from any organization – federal agencies included – without strong leaders in place.

So as we begin a new year, I couldn't be happier that DHS once again has a Senate-confirmed Secretary and Deputy Secretary in place. Today, we continue the progress we've made in filling vacancies at the Department considering the nomination of John Roth to be Inspector General.

The DHS Office of Inspector General has been without a permanent leader for nearly three years. That is inexcusable for an office that is so vital to the work of the Department and the Congress. Inspectors General are an essential component of government oversight. They can help reveal and prosecute wrongdoing, provide invaluable support to Congressional budgeting and oversight work, and promote the integrity and efficiency of government.

This Committee builds on the work of the DHS Office of Inspector General, as well as the Government Accountability Office to help the Department more effectively and efficiently achieve its critically important missions. We need to strengthen management and accountability, work to better unify DHS, and continue on our quest to get better results for less money. There is only so much this Committee, the Government Accountability Office, or the Office of Inspector General can do alone. But if we all work together, we can help the Department make real progress on its key challenges.

I know the Office of the Inspector General is not always seen as an ally by management, but good leaders should welcome constructive criticism to help improve performance. That is particularly true for DHS, which faces a vital and extremely challenging mission and is still coming of age as a department.

DHS'OIG itself is also in need of leadership and a fresh start, after a turbulent period that has raised questions about the integrity of the office's work and has undoubtedly shaken morale within the office. Indeed, a recent survey of government employees conducted by the Partnership for Public Service showed employee satisfaction within the Department's OIG falling off markedly in 2013, after a relatively solid showing in prior years.

So the role of Inspector General at DHS is a challenging and important job, and I am pleased to see a strong nominee before us.

Mr. Roth grew up in the Detroit area and was educated there, including putting himself through college at Wayne State University – where he also attended law school. He spent most of his career at the Justice Department, where he was a seasoned prosecutor. Early on, he was an assistant United States Attorney in Detroit, then chief of the narcotics section in Miami. In 1999, he moved to Justice Department headquarters here in Washington and has held a succession of significant jobs, including chief of the asset forfeiture and money laundering section, chief of the fraud and public corruption section, and chief of staff to the Deputy Attorney General.

One of his few departures from the Justice Department was shortly after 9/11, when he was detailed to the 9/11 Commission and was the senior counsel and team leader of the Commission's team on terrorist financing. Since July 2012, he has led the criminal investigations office of the Food and Drug Administration, where he oversees a staff of close to 300 employees.

Along the way, he has earned the respect of an impressive array of employers and colleagues – including former DHS Secretary Michael Chertoff, former Congressman and 9/11 Commissioner Lee Hamilton, Alice Fisher, the former Assistant Attorney General for the criminal division, and others. These and other individuals have written the Committee in support of this nomination and I will place their letters in the record.

These former colleagues praise Mr. Roth's intellect and work ethic, but also – and perhaps most importantly – his integrity. Inspectors General sit in a difficult and at times conflicting role. To be effective, it is critical that an IG's independence and integrity be beyond reproach. Based on these testimonials and more, I believe that Mr. Roth has met and will continue to meet this high standard.

During my meeting with Mr. Roth last month, I enjoyed learning about the nominee's background growing up in the Detroit area, his impressive career and his commitment to public service. I look forward to hearing more from him today on his experience and his ideas on how to improve the Office of Inspector General and, with it, the Department of Homeland Security.

Opening Statement
Senator Tom Coburn. M.D., Ranking Member
Senate Homeland Security and Governmental Affairs Committee
Nomination Hearing for John Roth to be Inspector General, Department of Homeland Security
January 8, 2014

Mr. Roth, welcome to you and your family.

First, thank you for being willing to serve.

Second, I want to recognize the president's confidence and also judgment in nominating you for this position.

A lot of Americans don't understand how important Inspector Generals are for their freedom. You're the eyes and ears for the American people to be sure that the agencies are actually complying with the law. And you come well equipped to fulfill that obligation.

You have the management skills, as well as the confidence of I think both the chairman and I. I've enjoyed our visits and the insight into both your background and your management style. And I certainly look forward to supporting you.

There is a great deal of difficulties, not just within the Inspector General's office, but also across the Department of Homeland Security. And I won't go into the details of those now, but given the troubles at the I.G. office, it's important to say in a public hearing that the vast majority of people who work in that office are stellar federal employees and should not be tainted by any of the things that have gone on or the questions that have been raised over the past several months.

There are a lot of outstanding issues in the Inspector General's Office. In terms of open cases, there are significantly too many, as well as an open case that is precarious and will have a great effect on Mr. Mayorkas, as well as the reputation of the I.G.'s office.

I welcome you to our hearing. I look forward to your statement. And I look forward to supporting you not only in your nomination and vote on the Senate floor, but in supporting you as you go about doing the very important work that you've agreed to take on.

I yield back.

Statement of John Roth

Nominee to Serve As Inspector General, Department of Homeland Security

UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

January 8, 2014

Chairman Carper, Ranking Member Coburn, and Members of the Committee. It is an honor to be considered by this Committee as the President's nominee for Inspector General of the Department of Homeland Security.

I would like to recognize and thank my very supportive family. My wife Monique is here. We met almost 20 years ago, literally, on the courthouse steps in Miami, when we were both Assistant U.S. Attorneys in the Southern District of Florida. She continues with her public service in the Department of Justice and is not only my better half, but the better lawyer in the family.

Also with me are my two sons, John and Michael. I have learned more about integrity and leadership from my children, and from raising my children, than I could possibly have imagined. They have helped keep me grounded and serve as a reminder of the importance of what we do.

My parents, Richard and Corinne Roth, who have been married to each other for over 60 years, could not make the trip from Colorado to be here today, but I know that they are watching, and I am grateful for the qualities they instilled in me – honesty, perseverance, and a strong work ethic. I would also like to acknowledge my four siblings -- Tom, Tim, Michael and Mary Kathryn -- for their support.

I have here with me today my father- and mother-in-law, Frank and Raquel Perez. Frank Perez is a retired career Foreign Service Officer and a retired Lieutenant Colonel in the U.S. Air Force. Among his notable achievements was being nominated by President Carter and confirmed by the Senate to be Minister Counselor at the SALT II talks in Geneva, serving as the head of State Department's Office for Combatting Terrorism in the late 70s and 80s, and Deputy Chief of Mission in Turkey during the 80s. Even today, he works part time at the State Department in their FOIA office, capping over 60 years of government service.

I want to thank Members of the Committee and their staff for taking the time to meet with me. If I am confirmed, I look forward to continuing this dialogue.

I am under no illusions about the challenges the next Inspector General will face. Ten years after its creation, DHS is still finding its way. GAO reports, DHS Inspector General reports, and congressional hearings lay out the many outstanding issues that need to be addressed. Should I be fortunate enough to be confirmed as Inspector General, I will initiate the kind of oversight work that ensures the Department is running effectively and handling taxpayer resources efficiently; ensure that the Office of Inspector General produces timely, credible reports that

contain realistic, actionable recommendations; and build healthy working relationships between the Office of the Inspector General and Congress, the Department, and other stakeholders. Focusing on these basic but important functions, the Office of the Inspector General can help Congress and Department leadership help DHS meet the wide range of challenges it faces now and will face in the future.

One insight I gained from working on the 9/11 Commission is that, particularly as it relates to counterterrorism, government needs to be sufficiently nimble to recognize and adapt itself to meet changing threats. For DHS, the challenge is twofold - terrorism poses an existential threat to our country; at the same time, the current fiscal situation compels us to find better ways to conduct the government's business. DHS needs to get this right, and the Office of Inspector General can help.

If confirmed, I welcome the challenge. I have a quarter-century of experience as a prosecutor and manager at the Department of Justice and as the leader of FDA's criminal enforcement efforts. My experience ranges from investigating violent drug gangs in Detroit, to leading a team of prosecutors in Miami investigating cartel-level South American drug traffickers, to managing the Department of Justice's policy and operations portfolios for international counter-drug and anti-money laundering, to investigating fraud and public corruption in the seat of the federal government at the U.S. Attorney's Office blocks from here, to investigating international pharmaceutical counterfeiters and running a law enforcement organization. This has given me an analytical mind, a nose for facts, and judgment tempered by years of experience to be able to draw solid conclusions from those facts.

I have unique experience in examining and assessing government programs. I led the team on the 9/11 Commission looking into the U.S. Government's preparedness for and reaction to the 9/11 terrorist attacks as it related to the financing of terrorism. It was perhaps the largest such undertaking of its kind, and we sifted through hundreds of thousands of pages of materials, and interviewed hundreds of people. Our review encompassed the entire range of government activities: intelligence, law enforcement, diplomatic, and regulatory. In the end, our team produced a specialized analytical work on terrorist financing, describing where we had been, the efforts to date, and the unique challenges involved in the terrorist financing area. That report was universally acclaimed for its accuracy, its conciseness, and its utility by several committees of Congress, by the administration, and by outside experts.

Moreover, I have experience and insight into the financial audits that every inspector general's office conducts. As chief of the Fraud and Public Corruption Section at the U.S. Attorney's office in the District of Columbia, we employed a team of auditors to help us unravel complex fraud schemes. Many of our accounting fraud cases presented highly complex issues regarding the appropriate accounting treatment of certain financial transactions. As chief of the Department of Justice's Asset Forfeiture and Money Laundering Section, and later as an adviser on international anti-money laundering matters, I was required to understand and direct investigations involving highly complex financial matters.

I have long involvement with the Inspector General community as well. As chief of the fraud and public corruption section here in the District of Columbia, our office was "IG central," in

that we had active investigations with the entire range of IG offices, including those at State, Labor, Interior, Justice, Education, Homeland Security, U.S. AID, Defense, Transportation, Health and Human Services, Housing and Urban Development, General Services Administration and a host of others. The matters we investigated included program fraud involving millions of dollars and corruption matters and ethical lapses by government personnel, including agency heads. In my current position at the FDA, we conduct numerous joint investigations with our partners in the Health and Human Services Office of Inspector General. Finally, as part of the senior management team in a number of roles at the Justice Department, I had the opportunity to observe firsthand a well-respected and effective Inspector General.

Each of my positions has given me the insights into effective management and leadership. I have faced a variety of leadership challenges in which I was called on to turn an organization around. Each time, I was able to create a cohesive, high-functioning team, focused on the mission at hand. Because each circumstance was different, the methods used were different. But in every instance, my goal was the same: To do whatever I can to allow those under my direction to succeed. Effective leadership matters. Integrity and transparency matter. Employee engagement and morale matter. Ultimately, the people I lead must understand and be excited by the mission they are called on to do, have the tools to do the job well, and know that the person leading them believes in them and will make fair and transparent decisions that support Office of Inspector General mission objectives. If confirmed, that is what I will do.

The Office of Inspector General has endured a tough couple of years. I have read the media reports and publicly available Congressional correspondence regarding the issues surrounding the Office. Morale – historically high within the Office of Inspector General – is down and the risk of attrition is very high. I have absolutely no doubt that the office is filled with dedicated public servants who believe in the vital mission that the Office of Inspector General serves, and if I am confirmed I will pledge to ensure that the Office of Inspector General is viewed as the independent credible voice that it was designed to be.

I want the men and women who work in the Office of the Inspector General to be proud of where they work. If confirmed, I will work to restore the trust of this Committee, Congress as a whole, the Administration, and the American public in the work of the DHS Office of Inspector General. If confirmed, I will work to ensure that the employees within the organization are empowered to succeed and that we focus on things that matter. If confirmed, I will listen to those, inside and outside the organization, who are working to make the office better so that we can make government more effective, efficient and responsive to the American taxpayer. If confirmed, I will ensure it becomes a more transparent place, a better place to work, and one that provides real value to the DHS mission. Finally, and most importantly, and on which I will never compromise, I will ensure that we are scrupulously objective and independent in everything we do.

I am happy to answer any questions you may have.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Inspector General, Department of Homeland Security	21 November 2013

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
John	Robert	Roth	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street: 7500 Standish Place, #200N		
City: McLean	State: VA	Zip:22101	City: Rockville	State: MD	Zip:20850

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
					Est ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place

Year of Birth (Do not include month and day.)	Place of Birth
1958	Royal Oak, Michigan

Marital Status

Check All That Describe Your Current Situation:

Never Married	Married	Separated	Annulled	Divorced	Widowed
☐	x☐	☐	☐	☐	☐

Spouse's Name (current spouse only)

Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Monique	Perez	Roth	

Spouse's Other Names Used (current spouse only)

First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Monique	Victoria	Perez		x	7/63 Est ☐	9/97 Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	Middle Name	Last Name	Suffix

2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)	Degree	Date Awarded
Wayne State University Law School	Law School	9/82 Est ☐	6/85 Est ☐ Present ☐	JD	6/85
Wayne State University	University	9/79 Est ☐	12/81 Est ☒ Present ☐	BA	12/81
Oakland County Community College	Community college	9/78 Est ☐	9/79 Est ☐ Present ☐		
Marquette University	University	8/76 Est ☐	12/77 Est ☐ Present ☐		

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal Government employment	HHS/FDA/Office of Criminal Investigations	Director	Rockville, MD	7/2012 Est ☐	present Est ☐
Other Federal Government employment	Department of Justice/Asset Forfeiture and Money Laundering Section	Special Counsel	Paris, France	9/2010 Est ☐	7/2012 Est ☐
Other Federal Government Employment	Department of Justice/ US Attorney DC	Assistant US Attorney, Executive AUSA	Washington, DC	01/2009 Est ☐	9/2010 Est ☐
Other Federal Government Employment	Department of Justice/Office of Deputy Attorney General	Chief of Staff	Washington, DC	01/2008 Est ☐	01/2009 Est ☐
Other Federal Government Employment	Department of Justice/ Criminal Division	Acting Deputy Assistant Attorney General	Washington, DC	7/2007 Est ☐	01/2008 Est ☐
Other Federal Government Employment	Department of Justice/ US Attorney DC	Chief, Fraud and Public Corruption Section	Washington, DC	9/2004	7/2007
Other Federal Government Employment	Department of Justice/ Criminal Division	Chief, Asset Forfeiture and Money Laundering Section	Washington, DC	4/2004	9/2004
Other Federal Government Employment	9/11 Commission	Team Leader and Senior Counsel	Washington, DC	3/2003	4/2004
Other Federal Government Employment	Department of Justice/ Criminal Division	Chief, Asset Forfeiture and Money Laundering	Washington, DC	7/2001	3/2003

		Section			
Other Federal Government Employment	Department of Justice/ Criminal Division	Chief, Narcotic and Dangerous Drug Section	Washington, DC	1/1999	7/2001
Other Federal Government Employment	Department of Justice/US Attorney's Office	Chief, Narcotics Section	Miami, FL	5/1994	1/1999
Other Federal Government Employment	Department of Justice/US Attorney's Office	Assistant US Attorney	Detroit, MI	9/1987	5/1994
Non-Government Employment	Dykema Gossett (law firm)	Attorney	Detroit, MI	9/1986	9/1987
Other Federal Government Employment	Hon. George Edwards, US Court of Appeals, 6th Circuit	Judicial law clerk	Cincinnati, Ohio	9/1985	9/1986
Other Federal Government Employment	Department of Justice/Civil Division	Law clerk	Washington, DC	6/1985	9/1985
Law student				9/1984	6/1985
Non-Government Employment	Dykema Gossett	Summer associate	Detroit, MI	5/1984	8/1984
Law student				9/1983	5/1984
State Government (Non-Federal Employment)	Legal Aid and Defender Association of Detroit/Landlord-Tenant Clinic	Student Attorney	Detroit, MI	5/1983	8/1983
Law student				10/1982	5/1983
State Government (Non-Federal Employment)	Wayne State University/Bookstore	Clerk	Detroit, MI	3/1982	10/1982
Non-Government Employment	Bennigan's Restaurant	waiter	Dallas, TX	1/1982	3/1982
State Government (Non-Federal Employment)	Wayne State University/Library	Clerk	Detroit, MI	2/1980	12/1981
Non-Government Employment	Bloomfield Township Public Library	Clerk	Bloomfield Hills, MI	8/1979	12/1979

Non-Government Employment	Damman Hardware Store	Clerk	Bloomfic ld Hills, MI	7/1977	8/1979
Unemployed				9/1976	7/1977

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	Name of Position	Date Service Began (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the U.S. Department of Homeland Security's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity. None.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Senior Executive Service Presidential Rank Award, 2002

Assistant Attorney General's Award for Special Initiative, 2002

Criminal Division Award for Intra-Departmental Cooperation, 2000

Director's Award for Superior Performance, 1997

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of $1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Edward Bennett Williams Inn of Court, Washington, DC	9/2005 to 12/2010, 9/2013 to present	member
Michigan Bar	1986 to present	member

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
No.

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

None.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service

(C) Itemize all individual political contributions of $200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year. None.

Name of Recipient	Amount	Year of Contribution

8. Publications and Speeches

I have done my best to identify titles, publishers and dates of all books, articles, reports, speeches, testimony and other materials including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other items I have been unable to identify, find, or remember. I identified the following:

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
Counterfeit Drugs: Prosecuting the Profiteers, Protecting the Public Health	FDA Blog	July 15, 2013
When Conduct Becomes a Crime	FDA Blog	June 15, 2013
When Regulators are Ignored	FDA Blog	May 23, 2013
FDA's Criminal Enforcement Priorities in Protecting the Public Health	FDA blog	April 17, 2013
FDA Criminal Enforcement Priorities	Paper published for ABA White Collar Crime National Institute	February 2013
Bank Programs to Interdict Corruption-Related Money Laundering	The Review of Banking and Financial Services	October 2011
The Criminal Prosecution of Banks Under the U.S. Bank Secrecy Act of 1970	Journal of Securities and Compliance	May 2008
Criminal Prosecution of Banks Under the Bank Secrecy Act	U.S. Attorney's Bulletin	September 2007
A Prosecutor's Discretion	Legal Times	August 2007

Special Measures Under Section 311 of the USA Patriot Act	The Review of Banking and Financial Services	June 2007
New U.S. Intelligence Law Packs Laundering, Terrorist Financing Punch	Money Laundering Alert	January 2005
Getting to the Bottom of September 11	Chicago Tribune	August 10, 2004
Terrorist Financing Monograph: A Report to the 9/11 Commission	9/11 Commission	August 2004
9/11 Commission Report	9/11 Commission	July 2004
Police and Prosecutors Protect Rights in War on Drugs	Legal Times	March 2, 2001
Fifteenth Annual Survey of Sixth Circuit Law, Constitutional Law	Detroit College of Law Review	Summer 1994
Annual Survey of Michigan Law, Torts	Wayne Law Review	December 1988
Annual Survey of Michigan Law, Constitutional Law	Wayne Law Review	December 1987
Annual Survey of Michigan Law, Constitutional Law	Wayne Law Review	December 1986
Criminal Procedure – Electronic Tracking Devices and the Fourth Amendment	Wayne Law Review	Summer 1984

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech
Hearings on Amendments to the U.S. Sentencing Guidelines	U.S. Sentencing Commission	March 13, 2013

Hearing on Money Laundering and Terrorist Financing	House Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources	May 11, 2004
Hearing on Amendments to the U.S. Sentencing Guidelines	House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security	May 14, 2002
Hearing on Mandatory Minimum Drug Sentences	House Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy, and Human Resources	May 11, 2000

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech
International Issues in Counterfeit Pharmaceutical Investigations	Partnership for Safe Medicines Annual Conference	October 24, 2013
FDA Criminal Enforcement Priorities	PDMA Alliance Annual Conference	September 30, 2013
FDA Criminal Enforcement Priorities	Good Manufacturing Practices (GMP) Annual Compliance Conference	July 30, 2013

FDA Criminal Enforcement Priorities	National Association of Boards of Pharmacies Annual Conference	May 21, 2013
FDA Criminal Enforcement Priorities	American Bar Association National Institute on White Collar Crime	March 7, 2013
New Faces of Enforcement	Food and Drug Law Institute, Enforcement, Litigation and Compliance Conference,	December 12, 2012
Transatlantic Cooperation in Stemming the Spread of Falsified Medications	European Institute Conference	October 25, 2012
FDA Criminal Enforcement Priorities	Pharmaceutical Security Institute, 22nd Annual General Assembly	October 24, 2012
FDA Criminal Enforcement Priorities	Partnership for Safe Medicines Annual Conference	September 28, 2012
Use of Asset Forfeiture in Criminal Investigations	Association of Certified Financial Crime Specialists, International Financial Crime Conference	September 14, 2012
Briber Beware: International Enforcement of the Foreign Corrupt Practices Act and Related Anti-Corruption Efforts	American Bar Association, Section of International Law Annual Meeting	November 5, 2010
Panel on Organizational Guidelines	U.S. Sentencing Commission Annual National Seminar	June 12, 2009
Criminal AML Enforcement and Its Effect on BSA Regulatory Standards	American Bar Association/American Bankers Association Annual Money Laundering Enforcement Conference	October 20, 2008
Enforcement Issues in AML	American Bar Association/American Bankers Association Annual Money Laundering Enforcement Conference	October 22, 2007
Department of Justice Perspectives on Compliance	Compliance Week Annual Conference on Governance, Risk and Compliance	June 12, 2007
Criminal Enforcement of the Bank Secrecy Act	American Bar Association/American Bankers Association Annual Money Laundering Enforcement Conference	October 30, 2005

Terrorist Financing and 9/11: What Have We Learned?	American Bar Association/American Bankers Association Annual Money Laundering Enforcement Conference	October 24, 2004
Hearings on money laundering and terrorist financing	House Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources	May 11, 2004

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than $300 and did not include alcohol or drugs.) Yes.
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official? No.
- Have you been charged, convicted, or sentenced of a crime in any court? No.
- Have you been or are you currently on probation or parole? No.
- Are you currently on trial or awaiting a trial on criminal charges? No.
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation? No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense: November 1979

   a. Is this an estimate (Yes/No): yes

B) Description of the specific nature of the offense: Received citation for disorderly conduct (noise).

C) Did the offense involve any of the following?

1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **No**
2) Firearms or explosives: **No**
3) Alcohol or drugs: **No**

D) Location where the offense occurred (city, county, state, zip code, country): Franklin Village, MI 48025

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes (received ticket)**

1) Name of the law enforcement agency that arrested/cited/summoned you: Franklin Village Police Department

2) Location of the law enforcement agency (city, county, state, zip code, country): 32311 Franklin Road, Franklin Village, MI 48025

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes**

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country): 46th district court, Oakland County, Southfield, Michigan 48076

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense: Issued ticket for disorderly conduct (noise). Paid $35 fine.

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes**

H) Provide a description of the sentence: $35 fine

I) Were you sentenced to imprisonment for a term exceeding one year: **No**

J) Were you incarcerated as a result of that sentence for not less than one year: **No**

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **No**

N) Provide explanation: Issued a disorderly person ticket as a result of excessive noise complaint by neighbors.

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings. No.

Date Claim/Suit Was Filed or Legislative Proceedings Began	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

Date Claim/Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
April 22, 2013	Merit Systems Protection Board, Chicago Region	Special Agent Loris Cagnoni	The claimant, a veteran, claimed he was denied promotion on the basis of veteran status. I was the "deciding official" in promoting another agent (who was also a veteran).	Appeal denied on October 18, 2013, by MSPB hearing officer after hearing.

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint
Michigan Attorney Grievance Commission	5/21/90	Request for investigation by federal inmate Chester Campbell regarding my conduct as an Assistant US Attorney handling the appeal of conviction	Rejected by the Grievance Administrator and matter closed on 6/28/90
Michigan Attorney Grievance Commission	4/1/98	Request for investigation by federal inmate Billy Joe Chambers regarding my conduct as an Assistant US Attorney handling the resentencing	Rejected by the Grievance Administrator and matter closed 8/31/98

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by

mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy? No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). No.

14. Outside Positions

■ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-

profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Name of Organization	Address of Organization	Type of Organization (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	Position Held	Position Held From (month/year)	Position Held To (month/year)

15. Agreements or Arrangements

■ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

60

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

John Ryan

FRANCINE M. DULEY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 24, 2016

Francine M. Duley
12/02/2013

This 2nd day of December, 2013

United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

DEC 16 2013

The Honorable Thomas R. Carper
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John R. Roth, who has been nominated by President Obama for the position of Inspector General, Department of Homeland Security.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Walter M. Shaub, Jr.
Director

Enclosures REDACTED

November 22, 2013

Joseph Maher
Designated Agency Ethics Official
Department of Homeland Security
Washington, D.C. 20528-0485

Dear Mr. Maher,

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Inspector General, Department of Homeland Security.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b) (1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b) (2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. §552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Finally, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments that I have made in this and any other ethics agreement.

Sincerely,

John Roth

John R. Roth

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of John Roth to be
Inspector General, Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as the Inspector General (IG) of the Department of Homeland Security ("DHS" or "the Department")?

   I believe the President selected me because my background demonstrates that I am a leader capable of guiding DHS Office of Inspector General ("OIG") through difficult times. In fact, I have successfully turned around troubled government organizations that had been underperforming and suffering from poor morale. Moreover, I have been shown to have absolute independence and integrity, and have deep experience working with Inspectors General in investigating waste, fraud and abuse, and assessing government programs.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain. None.

3. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain the procedures and/or criteria that you will use to carry out such a recusal or disqualification. None.

4. What specific background and experience affirmatively qualifies you to be Inspector General?

   I have a demonstrated record of accomplishment as a leader of government organizations in the Department of Justice and the Food and Drug Administration (FDA). For nearly 20 years, both in the Department of Justice and at the FDA, I have effectively managed highly accomplished individuals engaged in tasks requiring the significant exercise of judgment. Moreover, I have been hired specifically for my ability to turn around troubled organizations. For example, when I was hired into my current position, as Director of the FDA's Office of Criminal Investigations (OCI), the office had been without a permanent Director for several years. Moreover, there had been allegations of mismanagement leveled at the prior Director by members of Congress, GAO and the HHS IG. With the help of my management team, I was able to resolve the issues, improve morale, and increase the efficiency of the office.

   Likewise, I was able to come into situations within the Department of Justice, including as chief of staff to the Deputy Attorney General, and two different

Criminal Division sections, during times of significant turnover and uncertainty, and lead those organizations to greater effectiveness

I have a background well suited to the work of the OIG. As a result of 25 years in the Department of Justice, I developed significant investigative experience, including years spent investigating corruption, fraud and abuse. As the Chief of Public Corruption in the U.S. Attorney's Office in the District of Columbia, and as the Chief of the Department's Asset Forfeiture and Money Laundering Section, I have supervised financial auditors and forensic accountants and have dealt with highly complex financial fact patterns. Many of these cases involved investigations of program fraud, waste, and corruption, and were conducted in partnership with Inspectors General from a variety of agencies. Each of these positions required the exercise of independence and objectivity.

As I discuss below, in my work for the 9/11 Commission, I conducted a broad-ranging assessment of programs across the government and delivered well-received reports regarding my findings. I was the head of a team that investigated and assessed the totality of effort across all agencies of the government, and was tasked with doing something that had never been done before. I developed an investigative plan, requested and reviewed thousands of pages of documents, interviewed hundreds of witnesses, and made assessments of whether programs were running effectively and made recommendations for how they could be improved.

As Acting Deputy Assistant Attorney General and later as Chief of Staff to the Deputy Attorney General, I gained experience in the leadership ranks of a large federal agency, and understand the challenges those leaders face. I served at a time when the Department faced great challenges as to how it was perceived by the Congress and the public, and when the turnover of senior personnel was quite high. Moreover, I was confronted with a broad array of issues common to managing the day-to-day operation of a large federal agency. These ranged from alleged misconduct by Presidential appointees, to dealing with the State Department on police and legal instructors in Iraq and Afghanistan, to insufficient operational funds for the Bureau of Prisons, and dozens more.

Finally, I have dealt with a significant number of Offices of Inspector General on a number of occassions and understand the work, culture, and ethos of the Inspector General community.

5. Have you made any commitments with respect to the policies and principles you will attempt to implement as Inspector General? If so, what are they, and to whom were the commitments made? No.

II. Background of the Nominee

6. Please describe your role as a Team Leader and Senior Counsel for the 9/11 Commission.

I led the three-person team that was assigned to investigate and assess the federal government's preparedness for and response to the 9/11 attacks as it related to terrorist financing. In that capacity, I developed an investigative plan, obtained and reviewed hundreds of thousands of documents, and conducted witness interviews with hundreds of fact and policy witnesses, ranging from street agents to very senior Administration officials. This included the entire range of government organizations and government personnel: intelligence, law enforcement, regulatory, and diplomatic. Because of my investigative background, I was asked to conduct several highly sensitive interviews not directly related to terrorist financing, and was also selected to review some highly-compartmented government programs.

Our team drafted and managed the clearance process for the *Monograph on Terrorist Financing*, a case-study oriented analysis of the challenges involved in attacking terrorist financing. This work was very well received by Congress, the Administration, and the public. I also contributed to staff statements presented during the public hearings as well as the final report. After the issuance of the report, I prepared the Commissioners for Congressional hearings regarding the subject.

7. How did your experience working for the 9/11 Commission affect your views on the creation of the Department of Homeland Security and its mission?

In reflecting on the events of 9/11 and our investigation of it, I believe that as a government we failed to fully recognize the evolving threat that Al Qaeda presented, that the failure was spread across the whole of government, including the intelligence, law enforcement, diplomatic and policy-making functions, and it resulted in an inability to adequately meet the terrorist threat. Additionally, I saw a system-wide failure to appropriately share terrorism-related information, leading to the inability to detect and respond to specific operational threats.

One of the great unanswered questions from my work on the 9/11 Commission is whether the government can be sufficiently nimble to recognize and adapt to threats in a timely manner and whether it can learn from its mistakes. I have watched the creation and continued maturity of the Department of Homeland Security with great interest, and have been both encouraged and concerned by what I have seen.

My desire to be considered for Inspector General of DHS stems from my work on the 9/11 Commission. Terrorism poses a threat to our national security and to the lives and livelihoods of all Americans. While it is important to have a government that is effective and efficient in all of its functions, it is critically important that we get it right in this area, and effective oversight by the DHS IG is critical to an effective counterterrorism mission.

8. You have spent most of your professional career as an attorney at the Department of Justice. Please briefly describe your tenure within the Department, including any key transitions in location or responsibilities or both.

I started as an Assistant U.S. Attorney in Detroit in 1987, investigating a variety of federal crimes, including corruption, fraud, and narcotics, and violent crime offenses. This included long-term conspiracy investigations against significant organized crime groups, requiring the use of sophisticated investigative techniques. After seven years, I moved to the Southern District of Florida, ultimately becoming the chief of their narcotics section. At the time it was perhaps the busiest narcotics section in the country in terms of the sophistication and number of cases and trials. My investigations focused on cartel-level Colombian and Mexican drug trafficking leaders.

In 1999, I was selected to become the head of the Criminal Division's Narcotic and Dangerous Drug Section at the Department of Justice. In that position, I developed the Bilateral Case Initiative, a first-of-its-kind program in which evidence derived from law enforcement operations in Colombia and other South and Central American countries was used to support US-based indictments and extradition. I was awarded an SES President's Rank Award for my work in this area. In the summer of 2001, Assistant Attorney General Michael Chertoff asked me to run the Asset Forfeiture and Money Laundering Section, where I developed a program to examine U.S. financial institutions' compliance with the Bank Secrecy Act. I ultimately prosecuted a number of financial institutions for their role in knowingly facilitating the laundering of criminal proceeds. This program continues today.

In 2004, U.S. Attorney Kenneth Wainstein asked me to head up the Fraud and Public Corruption Section in the U.S. Attorney's Office for the District of Columbia. There I led a team of lawyers investigating matters involving high-level accounting fraud in publicly-traded companies, procurement and benefit fraud schemes directed at government agencies, bank fraud, high-level tax evasion, money laundering, and corruption allegations against members of Congress and the Executive Branch. In doing this, I worked with personnel from a variety of federal agencies, including many Inspector General offices.

In the summer of 2007, Assistant Attorney General Alice Fisher asked me to temporarily step in to fill the position of Deputy Assistant Attorney General, responsible for the narcotics, asset forfeiture and money laundering portfolios. From there, in 2008, I was asked to be chief of staff to Acting Deputy Attorney General Craig Morford, and later Deputy Attorney General Mark Filip. I served in that capacity to the end of the Administration, when I returned to the U.S. Attorney's Office in DC to serve as the Executive U.S. Attorney for Operations, the third in command, responsible for the management of all criminal matters brought by the largest U.S. Attorney's office in the country.

In 2010, when my wife was assigned to be the Department of Justice attaché at the U.S. Embassy in Paris, I served as the Special Counsel for International Money Laundering Policy, within DOJ's Criminal Division. In that position, I headed the Department of Justice's representation at the Financial Action Task Force (FATF), a multinational body dedicated to the fight against money laundering and terrorist financing. I worked with other US government agencies and foreign governments to raise the standards for anti-

money laundering and terrorist finance prevention and enforcement throughout the world. Additionally, I represented the Department at Eurojust, a European Union criminal investigations case coordination center, and was responsible for liaison with European law enforcement counterparts on matters of mutual interest.

In July of 2012, I left the Department for my current position.

9. During your time at the Justice Department, did you have any significant interaction with the Office of Inspector General? If so, please describe those interactions.

My dealings with the OIG have been in three areas: Working with personnel from various OIG offices in prosecuting their investigations and improving agency anti-fraud policies, managing relations between senior Department leadership and the Department OIG, and conducting internal affairs and criminal investigations with the Health and Human Services Office of Inspector General.

First, I have extensive experience working with OIG personnel in an investigative capacity. As Chief of the Fraud and Public Corruption Section in the District of Colombia, we worked closely with Inspectors General in the investigation of both program fraud and corruption within their respective agencies. As such, I dealt with IGs from numerous departments and agencies, including State, Labor, Interior, Justice, Education, USAID, Defense, DHS, Transportation, HHS, HUD, OPM, SBA, GSA, Special Inspector General for Iraq Reconstruction, and others. Moreover, in that position, I participated in the Department's Procurement Fraud Task Force, where I worked with Inspectors General on major policy issues regarding preventing, detecting, and combatting procurement fraud.

Additionally, I have experience serving as a liaison between agency leadership and the OIG, including reviewing draft OIG reports for agency comment and overseeing the relationship between the Department of Justice and the Inspector General. At the Department of Justice, the Inspector General reported to both the Deputy Attorney General and Attorney General. As the Deputy's Chief of Staff, I was often called upon to review IG reports and address the recommendations they contained. Additionally, at the OIG's request, I was called upon to intervene as appropriate with components to ensure effective cooperation with the IG's activities.

Finally, in my current position, my office works closely with the HHS OIG. FDA's Office of Criminal Investigations also has an internal affairs function, and we partner with the IG in certain cases to investigate internal misconduct issues. Our office also conducts numerous joint criminal investigations with the IG in cases where there is a violation of the Food, Drug and Cosmetic Act and health care fraud.

This background has given me a keen appreciation for the work of the IG, its operations, and its people.

10. What is the largest organization that you have managed? What experience, if any, do you have in either directly managing or overseeing the core management functions of an organization (human capital, acquisitions, information technology, and financial management)?

In my current position as the Director of the Office of Criminal Investigations at the FDA, I manage slightly fewer than 300 people, including 220 Special Agents in about 40 offices across the country, with a budget in excess of $50 million. We are responsible for between 200 and 300 criminal convictions per year, and many of these cases are highly complex. OCI agents have been responsible for cases in which courts have ordered restitution and fines in the billions.

I have ultimate responsibility for all of the core management functions of the office, and I supervise an administrative staff that is responsible for personnel, IT support, contracting, procurement, and financial management. This includes procurement of goods and services from an operating budget of approximately $6 million, including individual procurement contracts in excess of $1 million. We also receive in excess of $11 million from the Justice Department's asset forfeiture fund, from which we administer a multi-million dollar contract for forensic accounting services, as well as other significant acquisition contracts.

Moreover, during my tenure as Chief of Staff for the Deputy Attorney General, I dealt with issues arising from these management functions, including decisions relating to budget and financial management, information technology acquisition, and significant personnel matters.

III. <u>Role and Responsibilities of the DHS Inspector General</u>

11. How do you view the role of the Inspector General as well as the Office of Inspector General at DHS?

The DHS OIG serves a critical role in ensuring the safety of the American people and protecting the taxpayer. Done well, the Inspector General could be an agent for positive change within the Department. While the IG must be unquestionably independent, objective and firm in its dealings with the rest of the Department, he or she must not forsake the opportunity to influence meaningful change by recommending improvements in the economy, efficiency and effectiveness of the Department through more collaborative methods.

Congress, in enacting the Inspector General Act, has given the Inspector General broad authority to investigate and assess all aspects of the operation of the Department. Congress also established important statutory safeguards to ensure that the Inspector General is independent. If I am confirmed, I intend to use the authority and independence to root out waste, fraud and abuse, and to determine areas in which the Department could gain efficiencies and become more effective.

12. You have spent most of your career as an attorney at the Department of Justice. In what ways, if any, do you believe the roles, responsibilities and obligations of an Inspector General are different from those of a government lawyer?

The role of Inspector General is far broader and serves a different function than being a lawyer in the Department of Justice. At the Department of Justice, I would investigate and prosecute federal crimes (or supervise others who do). Ultimately, whether an investigation would go forward would be based on a fairly narrow analysis of whether a crime had been committed and whether we could obtain sufficient evidence to prosecute.

An Inspector General has a far broader mandate, to promote economy and efficiency and to prevent waste, fraud and abuse. Investigations are one tool that an Inspector General has available; he or she also has the ability to conduct audits and non-criminal investigations, to write public reports regarding his or her findings, and to report these matters to Congress. Moreover, an Inspector General's objectivity and independence is assured through the protections provided in the Inspector General Act.

a. How will you approach your role as Inspector General differently, if at all, from your role as a lawyer at the Department of Justice?

The Inspector General has a far greater opportunity to affect positive change in a Department; to promote effectiveness and efficiency, and to prevent waste, fraud and abuse in government programs. If confirmed, I fully intend to use the authorities granted to me in the IG Act to do exactly that. Unlike my previous positions, I will not be constrained by a mere analysis of whether a crime has been committed, but I will be able to conduct a broad range of activities to promote economy and efficiency and prevent waste, fraud and abuse.

13. What do you believe is the appropriate relationship between the Office of the Inspector General and other Department components, particularly the Office of the General Counsel?

Because the Inspector General must provide the Secretary and Congress with independent and objective assessments of the Department's programs, it is critically important that he or she be independent and avoid even the appearance of conflicts of interest. In order to ensure the independence of the office, the Inspector General Act provides that the Inspector General have his own counsel. I understand that the DHS OIG in fact has its own general counsel, and if confirmed, I would avail myself of that counsel rather than that of the Department's Office of General Counsel.

14. If confirmed, what will be the immediate highest priority issues that you expect to address? What longer-term goals would you like to achieve in your tenure as DHS Inspector General?

If confirmed, my immediate and highest priority will be to restore the faith of the Congress, the Administration, and the American people in the independence and effectiveness of the Office of Inspector General.

A full answer as to long-term goals must wait until I make a full assessment should I be confirmed. However within OIG, it appears that establishing a productive working relationship with the Department's leadership and Congress will be critical, as will tackling the long list of open recommendations, making sure that OIG is conducting audits and investigations based on risk and the size of the potential fraud, and ensuring that OIG has the resources necessary to focus accomplish its mission.

Additionally, it appears that the long-term goals should include a focus on the areas in which the Department faces the greatest risk. This would include internal DHS functions, such as acquisition management, financial systems management, and human capital management, as well as DHS programs designed to protect the public, including its cyber-security efforts, grants management (both disaster and preparedness grants), border and transportation security, and information sharing.

15. The DHS Office of Inspector General is one of the larger OIGs within the federal government, with approximately 700 FTE's and a $140 million annual budget. What experiences in your background have prepared you for the management and leadership challenges associated with running such a large and complex office?

The organization I currently direct, FDA's Office of Criminal Investigations, has approximately 300 FTE in offices across the country. As previously noted, this includes full responsibility not only to manage operations, budget, personnel, and acquisitions, but also make decisions regarding enforcement policy, strategy, and operations.

Moreover, as Chief of Staff to the Deputy Attorney General, I was intimately involved in the management of an organization of over 110,000 people. The Deputy AG had operational responsibility for the entire department, and an excess of 20 components and 93 U.S. Attorneys directly reported directly to him. In that position I faced a variety of significant management and leadership challenges during a very critical time in the operation of the Department. Part of those responsibilities involved significant questions of financial management, personnel issues, IT acquisition matters, as well as the day-to-day operational issues that would arise.

16. What do you anticipate being the greatest challenges you would face as Inspector General in comparison to previous jobs, and how would you seek to prepare for those challenges?

If confirmed, the first challenge is to ensure that the OIG has an engaged and committed workforce, trained and equipped to do the job asked of them, with an understanding of OIG's mission and the contribution it makes to the safety of the American public. The second, related, challenge is to restore the credibility of the OIG with the Department, the Congress and the public.

17. As you are doubtless aware, the OIG has been without a permanent leader for close to three years and has been the subject in recent months of various allegations and investigations regarding some of its work and the conduct of certain employees. In fact, an employee in the OIG's McAllen Texas office pleaded guilty earlier this year to charges that he falsified investigation reports and obstructed justice, and two other employees in that office were indicted on similar charges.

a. If confirmed, how would you seek to assess the damage related to this upheaval – both to the work of the OIG and the morale and effectiveness of its employees?

This year's Employee Viewpoint Survey shows a significant drop in employee engagement and satisfaction. To me, the single most troubling statistic is that over one third of the current employees are considering leaving OIG in the next year to take a job in another federal agency. This would represent an unacceptable loss of talent and experience at a time when DHS OIG most needs them.

As I have done in other circumstances, I would gather input from the field through a variety of methods, including face-to-face meetings with line employees, office visits, town hall meetings, and a system by which input can anonymously be given to me directly. I have examined the most recent annual Employee Viewpoint Survey and would work to understand the specific root causes of the recent drop in employee engagement and morale, and determine the best steps to improve it.

I have a proven track record in motivating and leading people. If confirmed, I will bring all of that experience and a focused commitment to improve the morale and effectiveness of a very important program.

I would engage in the same process for OIG's external stakeholders, beginning with Congress, to determine the extent that the OIG's products and interactions are valued and used, and to solicit suggestions for improvement.

Finally, I would direct and personally supervise a "look back" at OIG products already released to determine whether the findings and recommendations were in any way inaccurate, unbalanced, or the result of improper influence.

b. What initial steps would you take to rebuild morale and confidence in the OIG?

If confirmed, I will very quickly take steps to rebuild confidence in the OIG. This will include a thorough, objective, and independent assessment of allegations of wrongdoing. To the extent that this has not already been done, I will ask the Council of Inspectors General for Integrity and Efficiency (CIGIE) or another Inspector General to conduct any necessary and appropriate investigations to ensure impartiality. At the conclusion of this review, I will take all necessary steps within the current personnel rules to ensure accountability. I will then release as much information as I am legally allowed to this Committee and other stakeholders.

Finally, I would remind OIG personnel, managers and staff alike, that we need to be above reproach in everything we do.

18. What do you believe are the qualities of an effective manager?

The most effective managers care deeply about the people who work for them and will do whatever they can to help their employees succeed. They are largely selfless and are willing to adapt their management style to motivate each person to be his or her best. They have absolute integrity and will refuse to cut ethical or procedural corners. I believe I am an effective manager, and these are some of the principles that guide my efforts to effectively manage employees.

a. How would you describe your management style?

I am generally adaptive, and the path I take will depends largely on whom I am supervising and the composition and capabilities of my senior leadership team. Having said that, I strive to be a positive, inspirational, and emotionally-mature manager. I am an honest communicator, keep an open door, exercise good judgment, handle change well, am technically competent, and hold myself and my people to the same standard. I am unafraid to make the tough calls.

b. What are the most important lessons you have learned about management in previous management positions you have held?

People want to know that their work is valued and is important, that their boss has integrity and cares about their careers, and that they will be given the right tools and training to do the job.

c. What qualities do you look for in assembling a management team?

I seek out those with a demonstrated track record of accomplishment over time. I also think that diversity in background, experiences, and opinion is important, that a healthy discontent with the status quo is valuable. I also look for those with the courage to disagree with me.

d. What is your approach to delegating work and responsibilities to others?

Being able to delegate is a critical skill. Throughout my career, I have ensured an appropriate delegation of responsibility. In doing so, of course, I made sure that those doing the work understood the assignment, the deadlines, my expectation for quality, and the values that drive the organization. Of course, some work cannot be delegated. This includes sensitive personnel actions, crisis management, cultivating personal relationships with relevant stakeholders, and assignments where there is the expectation that I handle it personally.

19. Do you believe there is any tension between the need to issue high quality reports and the need to issue those reports in a timely manner so as to ensure findings and recommendations remain relevant? If so, how would you seek to balance those potentially conflicting requirements?

Criminal investigations often require that highly complex and fact-intensive work products, such as search warrants, indictments, and legal briefs, be produced under short deadlines. This requires focus and prioritization. Likewise, my work on the 9/11 Commission showed that quality work can be produced in a reasonable amount of time. Ultimately, drafting reports is subject to a law of diminishing returns, and while a product may get marginally better over time, it loses its currency. Having processes and procedures in place, including expected timelines and an intervention process when it appears an audit gets off track, would be very helpful in ensuring timeliness. I am very experienced in finding the proper balance and in ensuring that deadlines, whether internally or externally imposed, are met.

20. If confirmed as the Inspector General, how would you prioritize which allegations of waste, fraud, and abuse to pursue? Would you utilize any particular approach you may have employed in your prior roles as a prosecutor? Please explain.

Because prosecutorial resources are scarce, I have always had to prioritize our investigations. There are insufficient resources and manpower to address every problem. If confirmed, I would prioritize OIG audits, inspections and investigations based on the relative risks of the program, as well as the potential for cost savings. DHS OIG and GAO have described many of the Department's major management challenges in some detail and I think their work provides a useful roadmap in ranking the various investigations, inspections and audits.

21. According to the Office of the Inspector General, as of March 31, 2013, the Department had 1,239 open and unimplemented recommendations, and a significant number of the open recommendations were labeled as unresolved. While some of the problems associated with closing these recommendations may lie with the particular component, the OIG also has a responsibility to continue to follow up on these recommendations to ensure proper compliance by the relevant Department component.

a. Do you have a plan or strategy to address the outstanding DHS OIG recommendations? Please explain.

If confirmed, I would make it a priority to determine the nature of these open and unimplemented recommendations and I will work on resolving as many of them as possible. As part of this process, I would look to see, particularly as it relates to older recommendations, whether the recommendations are currently relevant, whether there are structural or financial barriers that make implementation impracticable and whether there recommendations were well-considered in the first instance. For the balance of the recommendations, I would prioritize based on risk and benefit, and then try to gain an agreement with the relevant component as to a timetable for completion.

b. How will you help ensure future recommendations do not remain open for significantly long periods of time?

If confirmed, I will ensure that there is an effective system for follow up on open recommendations and a procedure to elevate particularly troublesome issues to senior agency or Department management for discussion/resolution.

My understanding is that DHS OIG does not currently have standards for the acceptable time periods for resolution, nor do they have a system for assuring that recommendations that should have been resolved are elevated as necessary. Additionally, because of the manpower associated with closing out recommendations, care needs to be given in the annual planning process to ensure that OIG dedicates sufficient resources to the follow up and resolution processes.

c. In your opinion, what is the appropriate course of action to take in cases where the agency disagrees with recommendations made following OIG audits and investigations?

As I understand the application of OMB Circular A-50, disputes are to be resolved by a top agency official, which DHS has designated as the Under Secretary for Management. However, the Inspector General Act provides that the IG report only to the Secretary or Deputy Secretary, and that authority cannot be further delegated, so any adverse decision by the Under Secretary must go to the Secretary or Deputy Secretary for ultimate resolution. Additionally, the IG may appropriately report such non-concurrence to Congress. If confirmed I will work to resolve disputes while maintaining the integrity of OIG work products.

d. What steps do you think should be taken in cases where the OIG recommends that the agency recover funding that has previously been obligated, but no such actions are taken?

Assuming that the recovery is not exempt by legislation or otherwise, the IG should appeal the non-action to Department leadership, and ultimately inform Congress.

22. The Office of Inspector General has a backlog of investigations regarding allegations of employee corruption within Customs and Border Protection. How would you seek to resolve this backlog?

In my capacity as a nominee, I have not been briefed on the current efforts to reduce this backlog. I believe allegations, particularly allegations of corruption, must be handled in a timely manner, both to ensure the integrity of current operations and to deter future behavior. If confirmed, I would work with the agencies and the Department to see what steps can be made to reduce this backlog.

23. In the past, the Office of Inspector General has not included the names of DHS employees in OIG Reviews, Audits and Investigations. Do you agree with that policy? If you believe some names should be included, in what circumstances and at what level of seniority?

This issue involves legal and policy questions that I have not fully researched. If confirmed, I would be happy to explore the issue. Since this has application across the government, it may be useful to work with the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to develop a uniform policy.

24. If confirmed, how do you plan to keep the Secretary of the Department informed about issues identified by your office? How do you foresee your working relationship with the Secretary and other Department leadership?

If confirmed, my goal is to have a productive relationship with the Secretary based on mutual respect, good communication, an understanding of the unique mission of the Office of Inspector General, and a shared goal to make the Department of Homeland Security more effective and efficient in protecting the American public. I will jealously guard the independence granted to the position by the Inspector General Act in order to assure that the office is able to provide the objective and independent oversight that Congress intended. I will seek to establish regular lines of communication with the Department leadership, including regular in-person briefings.

25. In addition to uncovering waste, fraud, and abuse within the executive branch, Inspectors General can play an important role in helping agencies avoid problems rather than just auditing for mistakes after the fact.

a. Do you believe an Inspector General should take this more pro-active role, which necessarily requires a more collaborative relationship with agency managers, while also serving as the independent watchdogs who expose agency mismanagement?

Yes. In fact, the Inspector General Act (Section 2(1)) specifically provides that one of the purposes of an Office of Inspector General is to provide for leadership and recommend policies designed to promote economy, efficiency and effectiveness in the administration of programs. Such a proactive approach should be on equal footing with uncovering fraud and abuse.

b. If confirmed, how would you balance the two approaches?

In order to motivate such change, OIG first needs to re-establish its credibility within the Department. I have little doubt the current career auditors and investigators are dedicated, competent professionals but have been buffeted by recent events. If confirmed, I would focus intently on using my leadership skills to enhance the credibility and reputation of OIG as being knowledgeable and fair and to increase the morale and training of the professional OIG staff. Over time, with proper leadership, agency managers will come to respect and value that OIG brings to the enterprise. Moreover,

these roles need not always be in tension. I have experienced situations in which an IG audit provides insight into operations and a roadmap for improvement that has been welcomed by the relevant managers.

c. What role should the Inspector General play in identifying effective programs or best practices within the Department that, if replicated, could promote increased efficiencies or improved mission performance across the Department?

While we should learn from our mistakes, we should also be able to learn from our successes as well. I would note that OIG has published certain reports, such as FEMA's response to Hurricanes Sandy and Isaac, in which it identified those factors that contributed to an effective response. I agree that the OIG should identify best practices and specific effective programs and assess whether those successes could be replicated in other parts of the Department. I would then use my access to and influence as the IG with the Department leadership to promote such expansion.

26. The key legislative priorities of the DHS-OIG, according to its *Annual Performance Plan for Fiscal Year 2014*, include promoting economy, effectiveness, and efficiency within the Department. As the Inspector General, and given the ongoing austere fiscal realities DHS faces along with the rest of the federal government, how would you prioritize the OIG's efforts to promote economy? Specifically what would you do as IG to focus the OIG's efforts to identify both cost savings and waste throughout the department?

Ensuring that public funds are not wasted should be a top priority for an Inspector General. In ranking specific matters, I would focus on the potential cost savings that could be realized, as well as the relative financial risk involved in a specific DHS program or operation. If confirmed, I will make this an emphasis area with OIG staff, and will examine OIG metrics to determine whether identifying cost savings and preventing waste are sufficiently captured in our performance measures. Additionally, I would ensure in our annual planning that we are devoting sufficient resources to promoting economy. Lastly, I would affirmatively promote the OIG hotline and other methods where individuals can report instances of waste, fraud and abuse to OIG.

27. In Section 8I of the Inspector General Act of 1978, as amended, there are special provisions related to the Department of Homeland Security. That section notes the DHS IG is under the "authority, direction, and control of the Secretary…with respect to audits or investigations, or the issuance of subpoenas, that require access to sensitive information concerning…" certain matters, including terrorism and counterintelligence, ongoing criminal investigations, undercover operations and the identity of confidential sources. What is your understanding of this provision and how it might impact your ability to conduct necessary investigations?

The Secretary may limit the operations of the Inspector General under certain narrow circumstances, but only if he or she finds it necessary to prevent the disclosure of specific information, preserve national security, or to prevent a significant impairment to the

interests of the United States. The degree of impact on IG investigations will depend on the degree to which the Secretary invokes these provisions.

a. How would you approach an investigation or audit in which the Secretary exercises his authority under Section 8I, but in which you disagree regarding the applicability of this section to the particular case?

If confirmed, I would expect to persuade the Secretary that the OIG would be able to conduct the investigation or audit in a manner that would not disclose sensitive information, compromise national security, or impair U.S. interests. Failing that, section 8I provides a method by which Congress is notified of the disagreement. Additionally, because similar language appears in provisions for other Inspectors General, I would consult with my peers as to best practices in this area.

b. How would you balance the need for transparency and accountability within the Department with the requirements of Section 8I regarding cases in which the Secretary may prohibit the Inspector General from carrying out a particular audit or investigation?

I believe that the OIG can exercise its mission while protecting national security. As a member of the 9/11 Commission staff, we had access to highly sensitive government information, including information about ongoing operations. We were able to protect that information and still fulfill our function.

28. Inspectors General are required by law to report their findings to Congress, as well as to executive branch officials. Inspectors General also routinely provide testimony at hearings on key issues of concern. If confirmed, what additional methods, if any, would you take to ensure timely and effective communications with Congress?

If confirmed, I would welcome the opportunity to informally brief the various Committees, either personally or through knowledgeable staff, about our findings.

29. More generally, what kind of relationship would you envision between your office and Congress? What role should Congress play in setting priorities for the OIG?

If confirmed, I would seek to establish a dialogue with Congress about the issues facing OIG and DHS. This Committee in particular has a wealth of knowledge about DHS and a historical perspective that would be valuable in setting priorities for OIG.

30. Do you intend to alert Congress to problems in the Department that are caused by, or partly caused by, a lack of resources or a lack of statutory authority?

Yes. I believe that it is part of the mission of the OIG to improve efficiency and effectiveness by assessing the effect that the lack of resources or statutory authority has on various DHS functions. If confirmed, as part of my reporting responsibilities and my duty of candor to the Congress, I will inform Congress of such findings.

31. If confirmed as Inspector General, you would be charged with achieving a balance among conflicting demands on your resources, including fulfilling statutory and other obligations, responding to direct requests from Congress, and furthering your own priorities. How would you strive to achieve the appropriate balance among these competing demands?

Throughout my career, I have been faced with prioritizing finite resources. If confirmed, I would resolve competing demands by assessing the value that each project has in improving the functions of DHS. I would do this in consultation with the appropriate stakeholders in the Administration and Congress.

32. The Government Accountability Office (GAO) also does extensive auditing and evaluation work covering DHS mission areas. What policy or operational mechanisms do you believe should be adopted to coordinate OIG and GAO work, prevent work duplication and overlap where possible, and avoid gaps in coverage of important mission area programs?

I believe that both offices must coordinate closely and, where possible, leverage off of each other. If confirmed, I will make it a priority to establish regular communication and, if necessary, institute operational protocols or MOUs to ensure sufficient coordination. As a nominee, I have met with the Comptroller General and his staff, and I am confident that, should I be confirmed, I will be able to continue to develop methods by which we can work together.

33. Whistleblowers continue to be an important way Congress, agencies and Inspectors General receive complaints regarding waste, fraud and abuse.

a. During your career have you dealt with whistleblowers? If so, provide some examples.

I have dealt with whistleblowers throughout my career, although those have largely been employed in the private sector. For example, the FDA's Office of Criminal Investigation has successfully investigated a number of *qui tam* matters (individuals suing government contractors in their private capacity, but alleging fraud against the United States) against entities engaged in health care fraud and violation of the Food, Drug and Cosmetic Act. These cases would not have been possible without individuals within the company with direct knowledge of insiders who provided the information to the government.

Additionally, as the Chief of the Fraud and Public Corruption Section at the U.S. Attorney's Office in DC, we had a number of cases which were initiated as a result of individuals, both inside and outside of government, who came forward with allegations, primarily focusing on program fraud.

Finally, as a narcotics prosecutor, I dealt with individuals whose very lives, and the lives of their families, depended on me handling their information and identies appropriately.

b. What do you believe is the proper way the DHS Office of the Inspector General should handle whistleblowers?

Whistleblowers are crucial to the mission of the DHS OIG in helping expose waste, fraud and abuse in government activities. They can provide inside information useful in investigations and management reports. The Inspector General should actively encourage individuals to come forward if they have evidence of a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

c. If confirmed, how would you mitigate any potential retaliation against a whistleblower?

Whistleblowers can be protected against retaliation in a number of ways. First, as required by Section 7 of the IG Act, the identity of the whistleblower must remain confidential unless disclosure is unavoidable. Moreover, the entities involved, including the whistleblower's employer, should be explicitly made aware of the provisions in the IG Act and the Whistleblowers Protection Act prohibiting retaliation against an employee. Additionally, I would work with the Office of Special Counsel to ensure that an employee has all available remedies at his disposal.

IV. Policy Questions

Department of Homeland Security

34. In your view, what are the critical challenges facing DHS and what role do you believe the OIG should play in helping the Department address those challenges?

DHS continues to mature and evolve into a single Department. From what I have read to date, the challenges involve both internal management, such as financial management, IT issues, and acquisition management, as well as mission-focused challenges, including its cyber-security efforts, grants management (both disaster and preparedness grants), border and transportation security, and information sharing.

The OIG must be integral to the effort by providing objective and independent oversight over the Department's activities, and proactively suggesting ways to increase efficiency and effectiveness.

35. In 2003 GAO placed the integration and management of the Department in its "High Risk" list, given that "failure to effectively address DHS's management and mission risks could have serious consequences for U.S. national and economic security." In the latest update to the "High Risk" report in February 2013, GAO found that the Department has made considerable progress in transforming its original component agencies into a single cabinet-level department. However, GAO retained DHS

management on the "High Risk" list due to significant remaining challenges with acquisition, information technology, financial, and human capital management.

a. What role, if any, do you believe DHS OIG has in assisting the Department in addressing its management challenges so that it is no longer on the GAO's High Risk list?

DHS OIG should be full partners with GAO and the Department's leadership as DHS continues to progress in solving the issues that have placed it on the high risk list. If confirmed, I would endeavor to work closely with GAO. From my review of the issue, and my meetings with GAO personnel, it appears that GAO has been helpful in refining and focusing the issues involved, and in response DHS and GAO have identified 31 actions and outcomes necessary to addressing the issues. Understanding and assessing the implementation of those actions will be critical to moving the Department off of the high risk list.

b. To what extent do you believe the DHS OIG should coordinate with GAO in planning oversight of DHS management in order to leverage each other's efforts and avoid duplication?

I believe that the two entities should coordinate as closely as possible to ensure maximum effectiveness and efficiency in this area. I understand that there is currently good communication between GAO and DHS OIG, and I would work to continue that relationship and seek areas in which we can gain greater efficiencies.

36. DHS has experienced a number of serious acquisition failures over the past eight years that have wasted hundreds of millions of taxpayers' dollars.

a. What do you believe is the appropriate role of the DHS Inspector General with respect to acquisition oversight?

DHS OIG plays a critical role in acquisition oversight, as this is an inherently high risk function. Acquisition oversight is a core mission of the Office of Inspector General and effective oversight can have a tremendous benefit to the taxpayer in terms of cost savings and waste avoided. If confirmed, I would continue to focus OIG resources to ensure that we provide meaningful and effective review of major acquisitions, acquisition policies and procedures and the Department's efforts in this area

b. In recent years, DHS has implemented a number of initiatives aimed at improving the management of its investments, including revisions to the DHS Acquisition Review Board procedures, an Integrated Investment Life Cycle Management framework, and an Office of Program Accountability and Risk Management. What would be your approach to assessing the effectiveness of these efforts?

The trio of initiatives are part of the Department's attempt to ensure an effective acquisition management processes. If these directives are followed, DHS can

significantly improve the efficiency and effectiveness of their acquisitions, and will reduce waste in government contracting. However, each agency and component within DHS must adhere to these directives, and if confirmed, I will devote OIG efforts to ensure that each agency, particularly those engaged in high risk acquisitions, are in compliance with these directives.

37. The Department has consistently ranked at the bottom of the list of large agencies in surveys assessing employee satisfaction. What role should the DHS OIG play in assessing the root causes of poor morale at DHS?

Poor morale and lack of employee engagement, if not addressed, significantly affects the efficiency of DHS. If confirmed, I would assess whether OIG could give some effort to understanding the root causes of the problem. Additionally, I have found that the employee engagement and morale within OIG, which has historically been well above government and DHS averages, has fallen dramatically in the last year. If confirmed, I would work to understand the causes of this drop and move quickly to try and combat it.

38. One major management challenge frequently cited by senior leadership in the Department is the splintered Congressional oversight of the Department, which falls under the jurisdiction of dozens of committees and subcommittees in the House and Senate. What role should the DHS IG play in exploring the challenges that this fractured jurisdiction creates?

If confirmed, I welcome the opportunity to explore with this Committee.

39. What is your perspective on the appropriate relationship between the DHS Office of Inspector General and other offices within DHS that have an oversight function, including the DHS Privacy Office and the Office of Civil Rights and Civil Liberties?

I believe this must be a collaborative relationship. Pooling the unique expertise, authorities, and insights of each office will better address the specific problems facing DHS. If confirmed, I look forward to working with the heads of each of those offices and other DHS entities with an oversight function to the extent that such work does not impact the independence and objectivity of the OIG.

40. Threats from foreign nations, digital activists, cyber criminals, and even malicious insiders continue to pose serious challenges to the security and reliability of our information technology systems. While the Department has made significant strides in strengthening its cybersecurity posture, the Inspector General, GAO, and others have noted that more work is needed to continue to improve the security of our private sector and government information systems.

a. Please discuss your familiarity and experience with cybersecurity issues.

As Chief of the Fraud and Public Corruption Section in the US Attorney's Office in DC, I was responsible for supervising our computer hacking/intellectual property unit. This

unit was responsible for investigating and prosecuting unauthorized network intrusions, particularly as it related to government systems within the District. As such, I became familiar with the specifics of these cases and the challenges faced by investigators working on them.

Additionally, as Chief of Staff to the Deputy Attorney General, I received regular classified briefings from the FBI and others on the nature of the cybersecurity threat and the specific government programs designed to counter the threat.

b. If confirmed, how do you envision the OIG working with DHS offices and components to address this growing threat?

The OIG has a dedicated office for information technology audits, staffed by individuals with the background and training to make these assessments. This office can provide value by ensuring objective, independent reviews of DHS programs in this area. If confirmed, I would ensure that OIG makes this a priority.

41. The Federal Emergency Management Agency (FEMA) has a number of longstanding management difficulties. Over the past several years, the DHS OIG and GAO have called attention to problems FEMA faces in financial management, human capital, information technology, and performance management. If left uncorrected, these problems could hinder FEMA's ability to respond to disasters and lead to opportunities for waste, fraud, and abuse. How important do you view management deficiencies relative to other challenges at FEMA and what are your priorities in this area?

It is difficult for me to assess the relative risks presented by FEMA's management difficulties. FEMA, given the scope of its operations and volume of its grants, presents an especially high risk area. Controls need to be especially rigorous in such situations, and if the control function is weak, then the agency faces an even greater risk. If confirmed, I will work with GAO, FEMA, and this Committee to understand and prioritize these issues.

42. Since 2003, DHS has issued nearly $40 billion in preparedness grants. While the Post-Katrina Emergency Reform Act (P.L. 109-295) and the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) require FEMA to develop performance measures and a comprehensive assessment system to evaluate their effectiveness, FEMA has yet to meet these requirements. As a result, there is no systematic analysis of grant effectiveness and it's difficult to gauge how much the grants have contributed to strengthening preparedness. What steps can the OIG take to encourage FEMA to make further progress in this area?

I agree that the failure to have basic performance measures, particularly given the nature of the funds, risks funding programs that do not make the public safer. Moreover, FEMA is especially high risk given the time-sensitive nature of the funding being given, the amount of money involved, and the nature of the controls. Effective oversight will save the taxpayer money and benefit the program by ensuring that the money is given to those

for whom it is intended. If confirmed, I will work with the Department leadership and this Committee to determine the best course of action.

43. In recent years, the DHS OIG has issued capping reports that summarize the results of audits conducted each year on the use of grant funds under the Public Assistance and Hazard Mitigation Grant Programs. For example, in the capping report issued in May of 2013, the DHS IG identified a total of 54 reports, containing 187 recommendations resulting in potential monetary benefits of $415.6 million. These reports detail similar findings from year to year related to problems with grant management and accounting, ineligible and unsupported costs, and noncompliance with Federal contracting requirements. What steps do you think should be taken in an area like this, in which the DHS OIG has annually identified serious problems?

I agree that this appears to be a longstanding issue and represents a significant potential for savings. If confirmed, I will work with the Department leadership and this Committee to attempt to determine the best course of action to gain compliance.

V. Relations with Congress

44. Do you agree without reservation to respond to any reasonable request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed? Yes.

45. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed? Yes.

VI. Assistance

46. Are these answers your own? Have you consulted with DHS or any other interested parties? If so, please indicate which entities.

These are my own answers. I drafted the answers to each of these questions to the best of my ability. I gave them to DHS Office of Legislative Affairs which made suggestions as to style. I was free to accept or reject these suggestions. As a nominee, I received briefings from other

Inspectors General, GAO personnel, and DHS OIG staff.

I, John Roth, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

John Roth
(Signature)

This 17th day of December, 2013.

My commission expires 12/18/2014.
Kimberly Benbow

Senator Tom Coburn, M.D., Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing questionnaire for the nomination of
John Roth to be
Inspector General of the Department of Homeland Security

Rule of Law

1. What role do you believe the rule of law should play generally in our nation and specifically in the execution of your duties as Inspector General at the Department of Homeland Security?

   Fidelity to the rule of law is critical in the effective functioning of a democracy. The Inspector General, in his role of oversight over the Department, plays a critical role in ensuring that the Department faithfully executes the laws. Fidelity to the rule of law has been a keystone of my government career, and if I am confirmed, it will continue to guide my decisions.

Terrorist Financing and Money Laundering

2. As chief of the Department of Justice's Asset Forfeiture and Money Laundering Section, you testified before Congress in 2004 on the issue of terrorist financing and money laundering investigations. In that House Committee on Government Reform hearing, you highlighted the challenges in these types of investigations and the coordination needed among multiple federal agencies to effectively tackle these cases. You also noted the importance of FinCEN and the need to continue to attack major money laundering organizations.

   a. Do you believe there are any programs or DHS components that may be at risk of being used as portals for domestic or foreign money laundering activity? If so, which programs or components do you believe are at greatest risk for exploitation?

   I have not engaged in any investigation or analysis of the issue, so I am currently unaware of any DHS program or component that would appear to be at risk for money laundering.

   b. As the Inspector General, how would you address those areas of the Department that may either be involved in or at serious risk of becoming a pipeline for money laundering and fraudulent activity?

   This would obviously be a concern and within the purview of the Inspector General. Thus, if I were made aware of such an issue, I would address it.

Relations with Congress

3. Other than a valid claim of executive privilege, on what basis, if any, do you believe the Office of the Inspector General may be entitled to withhold information or documents from Congress? Please explain the legal authority for your view.

   I have not undertaken any research on this issue, so I am unable to comment. If confirmed, I will explore this issue with legal counsel.

4. Under what circumstances, if any, do you believe an official or employee of the Office of the Inspector General may decline to testify before a Congressional Committee? Please explain the legal basis for your conclusion.

   I have not undertaken any research on this issue, so I am unable to comment. If confirmed, I will explore this issue with legal counsel.

5. The Inspector General is required by statute to produce certain reports. Will you agree to comply with these requirements? Yes.

   a. Will you inform Congress if you believe that these statutory requirements are unnecessary or hinder the Inspector General office from pursuing higher priority audits and investigations? Yes.

Assistance

6. Are these answers your own? Have you consulted with DHS or any other interested parties? If so, please indicate which entities.

   These are my own answers. I drafted the answers to each of these questions to the best of my ability. I gave them to DHS Office of Legislative Affairs which made suggestions as to style. I was free to accept or reject these suggestions. As a nominee, I have received briefings from other Inspectors General, GAO personnel, and DHS OIG staff.

I, John Roth, hereby state that I have read the foregoing Pre-Hearing Questionnaire submitted by Ranking Member Tom Coburn and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

John Roth
(Signature)

This 17th day of December, 2013.

My commission expires 12/18/2014
Kimberly Stenbower

Hearing Title: On the Nomination of John Roth for Inspector General, Department of Homeland Security
Hearing Date: January 8, 2014
Question Submitted by Senator Mark Begich

1. It is apparent that DHS OIG staff is suffering from extremely poor morale due to serious public allegations and congressional investigations into the conduct of the previous IG. These allegations have hurt the office and reduced OIG's effectiveness as an internal watchdog and guardian of taxpayers' money. Given your stated history of turning around offices experiencing similar difficulties, what concrete steps will you take to improve the OIG work environment and return the office to high productivity and morale? Additionally, what institutional safeguards will you implement to ensure that, going forward, the types of improper activities alleged to have taken place at OIG do not recur?

Response:
In general, my experience indicates that morale recovers quickly when new leadership takes the helm, articulates a vision for the future, explains the critical role that the organization serves, and commits to ensuring the success of the people he or she leads. If confirmed, I plan to conduct a comprehensive assessment of the Office of the Inspector General. I also plan to talk to Office of Inspector General employees, supervisors, and relevant stakeholders. I intend to closely examine recent Office of Inspector General employee viewpoint survey results to gain a better understanding of what specific concerns may be driving the negative environment. Once I fully understand the context and determine the root causes of the problems affecting morale and productivity, I will have a better sense of how best to address those problems.

Similarly, while I am familiar from news reports about allegations of wrongdoing by the previous Office of Inspector General leadership, I do not know the specifics of the matter. I am aware that there are ongoing investigations, including that of the Subcommittee on Financial Contracting and Oversight. If confirmed, I look forward to examining the results of these investigations and conducting my own comprehensive assessment to determine what institutional safeguards could prevent similar situations in the future. The integrity of the Inspector General and OIG employees must be beyond reproach, and I will work with the Committee to ensure OIG institutional safeguards, policies, and procedures are sound.

Hearing Title: On the Nomination of John Roth for Inspector General, Department of Homeland Security
Hearing Date: January 8, 2014
Question Submitted by Senator Mark Begich

2. I thank you for your long career of public service, including 25 years at the Department of Justice and work on the 9/11 Commission. As a prosecutor and investigator, the positions you have held have required you to investigate outside individuals and groups, whether for policy analysis or criminal prosecution. Your successes were met with internal promotion and the respect of colleagues.

   In the role of IG, you will be tasked with examining individuals and procedures within your own agency from an adversarial angle not common to your work experience. How do you view the role of IG with respect to DHS as a whole, and what concrete metrics will you use to determine whether your office is successfully performing its duties?

Response:
I agree that it is important to ensure that the Inspector General does not have a hostile or adversarial relationship with the rest of the Department. I believe that the most productive relationship is one of mutual respect for the roles that each plays in the effective functioning of the government. While it is important to uncover waste, fraud and abuse, it is equally important to promote economy, efficiency and effectiveness. This can be done by highlighting best practices within the Department, advocating for their expansion to other areas and programs, and cultivating a good working relationship with Departmental and Component leadership.

The Office of Inspector General provides metrics in its Strategic Plan for 2012-2016 and in its Semi-Annual Reports. These metrics include the number of management reports and financial audits; the proportion of recommendations which receive DHS management concurrence; and other statutorily-mandated metrics such as "Total Funds Put to Better Use" and "Total Questioned Costs." All of these metrics are helpful to at least some degree, and if confirmed, I would continue their use. I believe that qualitative measures, such as the level of confidence that senior DHS management and Congress has in the work of the OIG, are important, and I look forward to determining ways to integrate qualitative measures into the Office of Inspector General's official metrics.

Hearing Title: On the Nomination of John Roth for Inspector General, Department of Homeland Security
Hearing Date: January 8, 2014
Question Submitted by Senator Mark Begich

3. It has come to our attention that many states recovering from disaster continue to experience audits resulting in disallowances. While the recoupment of funds used for erroneous or fraudulent expenses is critical for ensuring efficient and effective response and recovery activities post disaster, it is also important to fix the problem from happening in the future. If confirmed, what strategies would you employ to ensure the office is working with FEMA and grantees to help prevent the issues that lead to recoupment? If confirmed, what approach would you take to assure your office is not judged solely by the number of audits you complete, but by the critical challenges you highlight that can provide guidance for other states to avoid improper activities in the future?

Response:
If confirmed, I would first work to ensure that audits are conducted in a timely fashion. I think there are ways the Office of Inspector General staff could work with FEMA and financial assistance administrators to educate the grant recipients on the unique federal requirements related to the expenditure of federal grant funds before those funds are released and spent. As far as metrics are concerned, I look forward to working with Congress to determine whether additional measures, particularly ones that are more outcome-based, could better capture the value provided by efforts that more actively target waste, fraud, and abuse before taxpayer dollars are expended.

Hearing Title: On the Nomination of John Roth for Inspector General, Department of Homeland Security
Hearing Date: January 8, 2014
Question Submitted by Senator Mark Begich

4. When examining the number of audits per state, there does not seem to be parity between the states in the percentage of awards audited and percentage of recommended disallowances. What are some of the recourses or lines of communication to grantees to help them better understand why they are the target of an IG audit? If confirmed, are you committed to being transparent with your office's audit strategy?

Response:
I agree that good communication with an audited entity is important, and a fundamental part of that communication is ensuring grantees understand why they are being audited. Based on the information I received in preparation for my confirmation hearing, I understand that some audits are statutorily mandated and some are discretionary. With respect to the discretionary audits, I understand that an audit plan is developed based at least in part on risk. If confirmed I will look into whether the Office of Inspector General has a written policy with regard to audit selection, examine that criteria, and determine whether the criteria is consistent with the GAO's *Generally Accepted Government Auditing Standards*. I would also look for ways to facilitate better communication between the Office of the Inspector General, grantees, and other audit stakeholders; and I would work with Congress toward that end.

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December 18, 2013

Senator Thomas R. Carper, Chairman
Senator Tom A. Coburn, Ranking Member
U.S. Senate Committee on Homeland Security & Government Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Re: John Roth

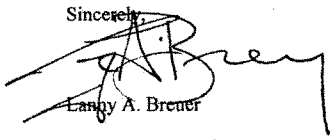
Dear Chairman Carper and Ranking Member Coburn:

I am writing in strong support of John Roth's nomination for Inspector General at the U.S. Department of Homeland Security. From 2009-2013, I served as Assistant Attorney General of the Criminal Division at the U.S. Department of Justice, and came to know John in that capacity. I am confident that he possesses the judgment, skill, and integrity for this extremely important position.

John is an exceptionally dedicated public servant, and I have no doubt whatsoever that he would make a fantastic Inspector General. He served for 25 years in the Department of Justice in positions of great responsibility, and he is regarded as a person of unwavering integrity. Over the course of his career, John served in various positions in the Criminal Division, including Acting Deputy Assistant Attorney General, Chief of the Narcotic and Dangerous Drug Section, and Chief of the Asset Forfeiture and Money Laundering Section. In addition, John has served as Chief of Staff to the Deputy Attorney General, Associate Deputy Attorney General, and Chief of the Fraud and Public Corruption Section in the U.S. Attorney's Office for the District of Columbia. And since July 2012, John has been serving as Director of the U.S. Food and Drug Administration's Office of Criminal Investigations, leading a nationwide group of agents in over 30 offices across the country.

The Department of Justice is home to many exemplary prosecutors who have dedicated their lives to the cause of justice. John is a shining example and a model for other prosecutors and public servants. I strongly support his nomination for Inspector General and recommend him without reservation.

Sincerely,



Lanny A. Breuer

DC: 5126544-1

December 5, 2013

The Honorable Thomas Carper
Chairman
U.S. Senate Homeland Security and Governmental Affairs Committee

The Honorable Tom Coburn
Ranking Member
U.S. Senate Homeland Security and Governmental Affairs Committee

Re. Nomination of John Roth

Dear Chairman Carper and Ranking Member Coburn:

I understand that the President has nominated John Roth to be Inspector General for the Department of Homeland Security.

I strongly endorse Mr. Roth for that position and urge that the Senate swiftly confirm him. Mr. Roth is a consummate professional in law enforcement. He served for 25 years at the Department of Justice. During my tenure as Assistant Attorney General for the Criminal Division, Mr. Roth was Chief of the Narcotics Section and, later, Chief of the Asset Forfeiture and Money Laundering Section. After I left the department, Mr. Roth assumed successively more senior positions within the Department of Justice, was Senior Counsel to the "9/11 Commission" and is currently Director of the FDA Office of Criminal Investigations.

It is hard to imagine anyone who is better qualified to assume the post of Inspector General at DHS. Based both on my personal experience working with Mr. Roth at the Justice Department, and on his reputation, I know John to be a highly skilled criminal justice official of superb integrity, deep management experience, and outstanding judgment. He is perfectly suited to supervise and lead the Inspector General's Office at Homeland Security. Indeed, he blends an extraordinary mix of criminal justice experience and deep familiarity with counter-terrorism issues.

I know that recently the Inspector General's Office has had some challenging issues. I believe it imperative to restore strong leadership to that office, which is why I recommend that Mr. Roth be confirmed as soon as possible.

I am happy to amplify on these views if you wish.

Respectfully Submitted,

Michael Chertoff
Former Secretary, U.S. Department of Homeland Security
2005-2009

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December 30, 2013

The Honorable Thomas R. Carper, Chairman
U.S. Senate Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom A. Coburn, M.D., Ranking Member
U.S. Senate Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Re: John Roth, Nominee for Inspector General, U.S. Department of Homeland Security

Dear Chairman Carper and Ranking Member Coburn:

I am a former colleague at the Department of Justice of John Roth and write in strong support of his nomination to be the next Inspector General of the U.S. Department of Homeland Security. John has had an incredible and distinguished career of public service and is one of the best attorneys and managers with whom I have worked. He has the ideal credentials, experience and expertise for this position.

At the Department of Justice, Mr. Roth has held several positions over a 25 year tenure, that will serve as excellent experience in for a role as Inspector General. As an Assistant United States Attorney, he investigated and prosecuted crime in several jurisdictions, including Florida, Michigan and the District of Columbia. He handled a number of complex investigations and trials including in the areas of international narcotics, public corruption and fraud. Mr. Roth was also a leader and manager at the Department of Justice, serving in roles including the Chief of the Narcotics and Dangerous Drug Section and Chief of the Asset Forfeiture and Money Laundering Section. In those management roles, he oversaw prosecutors conducting investigations in districts across the country, worked with our international partners and played a significant role in setting policy and proposing legislation. I was fortunate to have had the opportunity to work closely with him when he served as Deputy Assistant Attorney General in the Criminal Division and then Chief of Staff to the Deputy Attorney General. In both of those roles, John worked with and led people throughout the Department of Justice on a range of case and policy issues. Significantly, he worked with many other federal agencies on domestic and international issues. I witnessed up close, and the Department benefited from, his strong leadership, professionalism, sharp intellect, wonderful ability to work with others and stellar judgment on matters big and small.

Mr. Roth has the necessary management skills to oversee the men and women working in the Inspector General's Office. He is thoughtful and pursues a principled approach to matters and policy issues. He also has the requisite expertise in national security. Indeed, he has had years of national security experience, at the Department of Justice and as Special Counsel and Team leader on the 9/11 Commission. He understands the issues and challenges facing our country and facing the Department of Homeland Security. I am confident he will serve with the fairness and commitment that has marked his entire career.

I thank the Committee for allowing me to present this information about Mr. Roth and believe that our country would be well-served to see him confirmed.

Respectfully,

Alice Fisher, *former Assistant Attorney General, Criminal Division*

December 17, 2013

The Honorable Thomas R. Carper
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom A. Coburn, M.D.
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Coburn:

We write in support of the nomination of John Roth to serve as Inspector General for the Department of Homeland Security (DHS). We worked with John during our tenures in the Office of the Deputy Attorney General (ODAG) at the United States Department of Justice, so we are familiar with his judgment, temperament and professionalism, all of which are well suited for this important position.

As you may be aware, ODAG often resolves many of the most difficult and sensitive issues facing the Department of Justice. John served for more than 25 years as a career prosecutor and in senior positions at the Department, and during his time in ODAG, we relied extensively on his experience and judgment in resolving many of those difficult issues. To put it directly, John is someone who is not afraid to call it as he sees it. Time and again, when called upon to resolve tough questions, John carefully reviewed the law and facts and reached intelligent and independent conclusions that were unencumbered by any extraneous influences.

John's service elsewhere in government has demonstrated what we also came to appreciate about him at ODAG: he is a natural leader capable of setting clear priorities and managing teams of attorneys and others to accomplish those priorities. In his role as a member of the senior staff in ODAG, John was responsible for helping to set priorities not only for the office, but for the entire Department of Justice. He worked efficiently and capably across Department components and with its senior leaders to set and accomplish the Department's goals.

John also is a great colleague. He has a low-key but firm management style that will suit him well as an Inspector General. We also know that he fully appreciates the depth and breadth of responsibility that comes with serving as Inspector General of a Department as large and diverse as DHS.

In sum, John's experience, independence and temperament make him well qualified to serve as the Inspector General at DHS. We are pleased to recommend him to you. Please do not hesitate to contact any of us if we may be of further assistance.

Sincerely,

Mark R. Filip
Deputy Attorney General
2008-09

Brian A. Benczkowski
Chief of Staff
2008

John A. Eisenberg
Associate Deputy Attorney General
2008-2009

Deborah J. Rhodes
Associate Deputy Attorney General
2007-2009

Scott Schools
Associate Deputy Attorney General
2008-2013

Gil Soffer
Associate Deputy Attorney General
2008



December 26, 2013

The Honorable Thomas R. Carper, Chairman
The Honorable Tom A. Coburn, M.D., Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

RE: John Roth

Dear Chairman Carper and Ranking Member Coburn:

I write this letter in strong support of the nomination of John Roth to be Inspector General for the Department of Homeland Security. John was one of the 9/11 Commission Staff members, and was the team leader responsible for investigating and analyzing the government's efforts regarding terrorist financing both before and after the 9/11 attacks.

John did an outstanding job in support of the Commission's work. Notwithstanding that nothing like this had ever been attempted, John, working with a small team, developed an investigative plan, conducted many interviews, including an interview of a sitting Cabinet member, contributed to the staff statements and final report, and wrote an insightful staff monograph which was very well received by the Administration, the Congress and the public. Through it all, John was highly professional, very knowledgeable, scrupulously objective, and could be depended on to manage his staff and his program effectively. He was cooperative and well-liked by Commission members and staff.

The Department of Homeland Security faces significant challenges. Budget cutbacks demand that we have the smartest and most effective counter-terrorism policies and programs in place. Robust and constructive oversight both by Congress and the Inspector General can ensure that DHS spends its funds wisely and in support of the greatest counterterrorism challenges that face this nation. I am confident that the qualities that John displayed in his work on the 9/11 Commission staff would well serve the American people as Inspector General. I recommend him with enthusiasm and without reservation.

With warm regards,
Sincerely,

Lee H. Hamilton
Director

The Center on Congress at Indiana University

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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
NATIONAL INTELLIGENCE COUNCIL
WASHINGTON, DC 20511

December 12, 2013

The Honorable Thomas R. Carper
Chairman
Committee on Homeland Security and Government Affairs
United States Senate
Washington, D. C. 20510

The Honorable Tom Coburn
Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Coburn:

It is my pleasure to write to you on behalf of Mr. John Roth, the President's nominee for Inspector General of the Department of Homeland Security.

Mr. Roth first came to my attention a decade ago when I served as Deputy Director on the staff of 9/11 Commission. The Director and I together recommended to Chairman Kean and Vice Chairman Hamilton that we bring on board John Roth to serve as Senior Counsel and Team Leader for Terrorist Finance Issues.

John did outstanding work in every respect. He exhibited great leadership with respect to investigating all financial aspects of the 9/11 plot. He put together the plan of investigation, obtained and analyzed thousands of documents, and managed a team that assembled the facts and wrote the narrative with respect to this topic. He and his team interviewed hundreds of individuals, all the way from cops walking the beat to senior Administration officials. Throughout, he exhibited good judgment. He was steady and unflappable, and acted with all appropriate discretion in a thoughtful and balanced review of highly sensitive government programs.

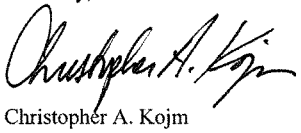
In addition, he and his team drafted the *Monograph on Terrorist Financing*, a superb case study highly regarded by experts both inside and outside the government.

Mr. Roth's experience with such highly complex, intrinsically difficult, and high profile investigations – and his success in conducting them in a thorough, thoughtful, balanced and

non-partisan manner – make him exceptionally qualified to serve as the next Inspector General at the Department of Homeland Security.

I would be pleased to respond to any additional questions you may have.

Sincerely,



Christopher A. Kojm
Chairman, National Intelligence Council



AMERICAN UNIVERSITY

WASHINGTON, DC

Daniel Marcus
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January 2, 2014

Honorable Thomas R. Carper, Chair
Honorable Thomas A. Coburn, Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Carper and Coburn:

I am writing in support of the President's nomination of John Roth to be Inspector General of the Department of Homeland Security.

I worked closely with Mr. Roth in 2003 and 2004 when I served as General Counsel of the 9/11 Commission and he was Senior Counsel and Team Leader for our Team on Terrorist Financing. In that capacity, Mr. Roth supervised the Commission's investigation of the financing of the 9/11 terrorist attacks on the United States as well as a broader investigation of the financing of Al Qaeda and other terrorist organizations and the history and efficacy of U.S. efforts to track and combat the financing of those terrorist groups. Representing the Commission, Mr. Roth interviewed key witnesses, including Treasury Secretary John Snow, coordinated the review of an enormous amount of material on terrorist financing, and played the key role in the drafting and editing of the Commission's monograph on terrorist financing. He inspired the confidence, not only of the other members of the Team that he supervised, but also of the senior staff of the Commission and the Commissioners themselves. I was impressed by Mr. Roth's legal abilities, by his management skills, by his public presence, and by his integrity and professional standards.

You are familiar with the other aspects of Mr. Roth's distinguished career as a lawyer and manager in the U.S. Attorney's Office, the Criminal Division of the Department of Justice, and the Food and Drug Administration. I cannot imagine a professional background that provides greater assurance that the nominee has the experience and qualifications that will make him an outstanding Inspector General. I strongly endorse his nomination and urge you and your colleagues on the Committee to recommend that the Senate confirm him.

Sincerely,

Daniel Marcus

Daniel Marcus

Craig Morford
Chief Legal and
Compliance Officer

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CardinalHealth

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December 3, 2013

The Honorable Thomas R. Carper
Chairman, Committee on Homeland Security & Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman,

I am writing to enthusiastically support the nomination of John Roth to serve as Inspector General, Department of Homeland Security.

I served in the Department of Justice for over 20 years – first as an Assistant United States Attorney in Cleveland, then as the United States Attorney in both Detroit and Nashville, and ultimately as acting Deputy Attorney General of the United States. It was through these assignments that I first heard about and ultimately had the pleasure of serving directly with John. Long before I first met John, I had heard of him and his outstanding reputation discussions with multiple Assistant United States Attorneys who worked for me in Detroit and Nashville. After I was appointed by President Bush to serve as Deputy AG, I met and began personally interacting with John on a frequent basis. Through his duties as acting Deputy Assistant Attorney General of the Department's Criminal Division, I personally observed John's keen intellect, balanced demeanor and personal integrity on a first-hand basis. Because I was appointed to serve as Deputy AG during a crises of confidence within the Department of Justice, it was critical for me to surround myself with strong, competent leaders who had the balanced experience, practical judgment and necessary independence to help me run the Department of Justice in a way that would uphold the rule of law, execute the policies of the administration and restore the confidence and reputation of the Department and its employees. With this challenge firmly in mind, I asked John to move up from the Criminal Division to the Deputy Attorney General's office and serve as my Chief of Staff. In that role, John was invaluable to me and the department – so much so that he was asked to stay on and continued to serve throughout the term of my successor, Mark Filip.

Based on my personal experience with John in a very challenging role during an extremely sensitive time, I know he has the balance of experience, temperament, judgment and independence to lead the Office of Inspector General at this critical point in time. Indeed, I can think of few people better equipped to serve in this challenging position.

Sincerely,

Craig S. Morford
Chief Legal and Compliance Officer

December 7, 2013

The Honorable Thomas R. Carper
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom A. Coburn
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Coburn:

I am writing to you to express my support of President Obama's nomination of John Roth to be Inspector General of the Department of Homeland Security. The Inspector General has the critical role of providing the Secretary and the Congress with "independent" and "objective" assessments of the Department of Homeland Security's programs and operations, and preventing and detecting fraud, waste, and abuse within those programs and operations.

As the Chief of the Fraud and Public Corruption Section with the U.S. Attorney's Office for the District of Columbia, Mr Roth worked tirelessly with the Inspector General community to prosecute cases of public corruption and fraud within federal programs and operations. He also worked closely with Inspectors General on the National Procurement Fraud Task Force. The task force, created on October 10, 2006, is a partnership of federal agencies that investigate and prosecute illegal activities concerning government contracting and grant activities.

Throughout his distinguished career in government, Mr. Roth demonstrated that he possesses the intellectual wherewithal and leadership skills to make very tough management decisions on complex issues. Furthermore, as a former prosecutor, he understands the value of independence and objectivity.

I believe Mr. Roth has a clear understanding of the Office of Inspector General's critical mission and the leadership skills necessary to successfully meet the many management challenges now facing the Department of Homeland Security Office of Inspector General. I urge you to support his nomination as the next Inspector General of the Department of Homeland Security.

Sincerely,

/s/

Richard L. Skinner
DHS Inspector General, Retired

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New York London Charlotte Washington
Houston Beijing Hong Kong Brussels

December 16, 2013

BY FAX (202-228-3792), EMAIL AND REGULAR MAIL

The Honorable Thomas R. Carper, Chairman
U.S. Senate Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom A. Coburn, M.D., Ranking Member
U.S. Senate Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Re: John Roth

Dear Chairman Carper and Ranking Member Coburn:

I submit this letter in strong support of John Roth's nomination to the position of Inspector General of the Department of Homeland Security.

I have known John for almost a decade since I interviewed him for the position of the Chief of the Fraud and Public Corruption Section in the U.S. Attorney's Office in Washington, D.C. That was a high-profile and challenging position, and we needed someone with excellent legal skills, well-honed judgment and a strong sense of fairness. John proved to be the perfect person for the position, and he did an exceptional job in that and the other important jobs he has subsequently held in the Justice Department and at the Food and Drug Administration.

John's success in those positions is due to several factors. First, he is a lawyer's lawyer – a man who intuitively knows how to approach and analyze any legal issue that comes his way. He is an exceptional manager, having proved his leadership skills and earned the universal respect of colleagues at every step of his career. He has a reputation for absolute integrity and honesty, a reputation earned through a career of calling cases just as he sees them and always trying to do the right thing. Finally, he is a man who is

Kenneth L. Wainstein Tel +1 202 862 2474 Fax +1 202 862 2400 ken.wainstein@cwt.com

never swayed by politics, whose only criterion when making decisions is what is right for the mission of his agency.

John is an ideal choice for this important job at this critical time for the Department of Homeland Security. I give him my strongest possible recommendation, and I stand ready to provide any further information that may be helpful to you and the Committee.

Sincerely,

Kenneth L. Wainstein

KING & SPALDING

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Direct Fax: (404) 572-5141

Christopher A. Wray
cwray@kslaw.com

December 13, 2013

VIA OVERNIGHT DELIVERY

Senator Thomas R. Carper, Chairman
Senator Thomas A. Coburn, Ranking Member
U.S. Senate Committee on Homeland Security
& Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of John Roth for Inspector General,
Department of Homeland Security

Dear Senator Carper and Senator Coburn:

I write in enthusiastic support of the nomination of John Roth for Inspector General of the Department of Homeland Security.

As the Assistant Attorney General for the Criminal Division at the Department of Justice (and before that, as the Principal Associate Deputy Attorney General), I had the privilege of working personally with John, in his capacities as Chief of the Asset Forfeiture & Money Laundering Section and, before that, as Chief of the Narcotic & Dangerous Drug Section. I continued to work with John after he left the Criminal Division to serve as a supervisor in the U.S. Attorney's Office for the District of Columbia. After I left the Department myself, I stayed in professional contact with John as he returned to Main Justice, serving ultimately as the Chief of Staff to the Deputy Attorney General.

John brings a remarkable array of leadership and management experience to the terribly important office for which he has been nominated. He has held sensitive management positions in two different U.S. Attorney's Offices, two different sections of the Criminal Division of the Department of Justice and even the Department's senior leadership. He has complemented that deep reservoir of management experience with valuable service on the 9/11 Commission staff, the intergovernmental Financial Action Task Force and, most recently, at the helm of the FDA's Office of Criminal Investigations.

In each of his positions, John has demonstrated a knack for adroit leadership, sound judgment, and skilled management. Having seen John in a wide variety of settings, I have

consistently been impressed by him as a dedicated public servant, with integrity, professionalism, and objectivity. I am confident that John would serve with distinction and make an outstanding Inspector General of the Department of Homeland Security.

Sincerely yours,

Christopher A. Wray

UNIVERSITY of VIRGINIA
GRADUATE SCHOOL of ARTS & SCIENCES

Philip Zelikow
Associate Dean for Graduate Academic Programs

December 9, 2013

U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Senators Carper and Coburn,

I write in support of John Roth's nomination to be the new Inspector General for DHS. I worked closely with John in 2003 and 2004, when he was one of my key team leaders on the staff of the 9/11 Commission. Obviously John would not have gotten that job in the first place if he had not already compiled an exemplary record. But his work for us went above and beyond.

John was the leader of a small, rather elite team devoted to issues of the financing of the 9/11 attack specifically, and terrorist finance policy issues more generally. They had to have thorough mastery of the complex technical issues associated with financial investigations. They had to work closely with FBI, Treasury, and the intelligence community working across agency lines. The team's work was outstanding in three respects.

First, John's team offered a concise, accurate account of the 9/11 attack finances and how the money was moved. This built a lot on the FBI's prior work, but that work had never been pulled together for a trial — this was then a kind of prosecutorial/judicial summary of the available evidence rolled into one.

Second, John's team thoughtfully sized up the way the financial issues worked and even wrote a separate monograph, a staff study, on that topic. This remarkable extra effort by this small team quickly became an invaluable reference source on this topic, one used in follow-on policy work around the government. Among the lead takeaways: a) think less about drying up the money pool and more on using money movements as an intelligence tool to target bad guys; b) there is great intelligence value in certain collection methods for financial tracking, some of them quite secret and only beginning to be used to their full potential; and c) through study of particular charitable organizations that were allegedly being used as fronts for terrorist fund raising, the team helped demystify these organizations and put them in proper perspective.

Third, John's team analyzed and dealt with some of the stranger and more persistent allegations about 9/11, like the ones about supposed insider stock trading. Digging through the facts and getting needed information from a range of agencies, including the SEC, John's team addressed these allegations thoughtfully and satisfactorily.

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Office: 434-924-6739 • Fax: 434-924-6737 • E-mail: zelikow@virginia.edu

You can see why, just from this rather intense experience, I would reside a good deal of confidence in John's judgment. He worked quietly and professionally: a straight shooter. Though I had nothing to do with the President's choice, it looks like he made a terrific one in this case. If you or your staff need further help from me on this, please contact me at zelikow@virginia.edu.

Sincerely,

Philip Zelikow
Associate Dean for Graduate Programs
White Burkett Miller Professor of History

University of Virginia • Randall Hall 101 • PO Box 400775 • Charlottesville, VA 22904-4775
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