

Testimony of John Roth, former Inspector General, Department of Homeland Security, before the Committee on Homeland Security, United States House of Representatives, May 1, 2019.

Chairman Thompson, Ranking Member Rogers, and Members of the Committee, thank you for inviting me here today to discuss leadership vacancies at the Department of Homeland Security. As you know, I served as Inspector General for the Department of Homeland Security for almost four years, until I retired in November of 2017, after over 32 years of government service. In the best of times, DHS is an unruly and difficult to manage organization. We are not in the best of times. The nature and extent of senior leadership vacancies in the Department is cause for concern as such pervasive vacancies significantly hamper the Department's ability to carry out its all-important mission.

The Nature of the Problem

As Inspector General, I had the unique opportunity and privilege to examine all areas of DHS's programs and operations. Our reviews found, even when fully staffed, a Department that was challenged in meeting its goals and struggling to mature as an organization. Our reviews highlighted significant issues in the Department's operations. These shortfalls touch nearly every area of the Department, including:

- *Acquisition management, including acquisition of major IT systems:* Acquisition management, which is critical to fulfilling all DHS missions, is inherently complex, high risk, and challenging. Most of DHS' major acquisition programs continue to cost more than expected, take longer to deploy than planned, or deliver less capability than promised.
- *Personnel management, including employee morale:* DHS is the third-largest Federal agency and its employees serve a variety of missions vital to the security of our nation. To achieve these missions, DHS must employ and retain people who are well prepared for their work and appropriately supported by their managers. Since its inception, however, DHS has suffered poor employee morale and a dysfunctional work environment.
- *Grants management, particularly the administration of FEMA grants:* FEMA administers millions of dollars in homeland security preparedness and recovery grants. However, during my tenure as

Inspector General, we found that FEMA does a fairly poor job of ensuring that the money is not wasted. We believed the cause to be a failure of leadership within and oversight over FEMA, in addition to structural and systemic issues inherent in the program.

- *Cybersecurity*: Cybersecurity is a serious challenge given the increasing number and sophistication of attacks against our Nation's critical infrastructures and information systems. Failure to secure these assets increases the risk of unauthorized access, manipulation, and misuse of the data they contain. External threats such as hackers, cyber-terrorist groups, and denial of service attacks are of particular concern.
- *Border security*: Numerous IG reports over time have highlighted significant concerns about the manner in which ICE and CBP manage their border security responsibilities. The concerns have ranged from staffing issues, detainee management, acquisition of the technology necessary to carry out their duties, and management of visa overstays and removals.
- *Transportation security*: The Inspector General's Office has noted over time significant challenges and shortfalls in TSA and Coast Guard's ability to secure transportation networks from potential terrorist attack.

Root causes

As we were required to do, we sought to understand the root causes for the persistent shortfalls we found. These shortfalls persisted over time, regardless of administration, and can be fairly attributed to the following two root causes:

- Unity of Effort: DHS has demonstrated an inability to mesh divergent components, with different histories, cultures, and missions, into a single agency with a unity of effort. Too often, the components operated as standalone entities or, worse, in competition with each other. Knitting together a unified DHS with all components pulling together to protect our homeland security is a top challenge of the Department and requires strong and committed leadership and oversight. This goal is thwarted by the pervasive senior leadership vacancies.

- Poor internal controls: The failures reflected in our audit reports reflect an inability to develop, oversee, and enforce the internal controls typical of a mature organization. The current environment of relatively weak internal controls affects all aspects of the Department's mission, from border protection to immigration enforcement and from protection against terrorist attacks and natural disasters to cybersecurity.

Part of the problem is a lack of personnel within the Departmental leadership offices to focus on and address overarching issues. For example, DHS has a vast law enforcement enterprise, which brings with it challenges in managing the unique issues associated with that. But on issues like use of force and training, DHS simply does not work together as a unified organization. DHS does not have a Department-level office to manage and oversee use of force activities; collect and validate data to assess use of force, minimize risks, and take corrective actions; and ensure use of force policies are updated and incorporate lessons learned. Nor has it attempted to integrate various component training facilities and programs. Time and again we saw the law enforcement agencies operating independently without the necessary oversight and no real effort to compel coordination.

Likewise, given the significant investment in immigration enforcement and administration of immigration laws, DHS should pay particular attention to the coordination of the programs and operations of CBP, ICE, and USCIS. Yet, the Department does not have a designated responsible official or department-level group to address overarching issues related to immigration, resolve cross-cutting problems, and foster coordination in processing aliens. Increases in the size or mission of an agency create risk. Significant growth and expanded responsibilities in the immigration enforcement arena further stresses an already struggling organization. Strong, permanent leadership, with political accountability and political backing, are necessary for effectiveness in growing organizations.

Insufficient staffing and structure

Simply put, the Secretary's Office and the Deputy Secretary's Office are simply too thinly staffed to be able to even be aware of, much less effectively manage, the significant and varied issues that face DHS. In my time as Inspector General, through two administrations, senior leadership was continually caught by surprise by our findings. They simply did not have the staff or the structure to be fully informed to conduct effective oversight.

In 2016, after noting some progress in attempting to ensure a unity of effort, we noted that progress was largely as a result of "the force of will of a small

team within the Department’s leadership.” However, we concluded that such an effort was unsustainable in the long run, “[a]bsent structural changes to ensure streamlined oversight, communication, responsibility and accountability – changes that must be enshrined in law.”¹

Vacancies exacerbate the problem

In November 2017, in one of my final reports regarding the management challenges facing the Department, I wrote:

The responsibility for proactive leadership ... falls on the Secretary, the Deputy Secretary, the Under Secretary for Management, and on the newly created Under Secretary for the Office of Strategy, Policy, and Plans. Unfortunately, these positions suffer from the lack of permanent, presidentially appointed and Senate-confirmed officials; as a result, there has not been the opportunity or leadership stability to implement or reinforce needed reforms.²

The situation has become no better with the passage of time. In the best of times, this is a difficult Department to manage effectively. But vacancies, particularly those that remain vacant for a long time, cripple the ability of the Department to move forward.

Longstanding vacancies hurt the Department in a number of ways.

- First, those who hold the position in an acting capacity are simply in a caretaker role and are justifiably hesitant to make decisions that would tie the hands of the individual ultimately appointed to that position. Thus, long term strategic decision-making is deferred until someone is appointed. It is also inherently temporary, since under the Vacancy Reform Act, an official can act in that capacity generally for only 210 days.
- Second, a full leadership cadre of Presidentially-appointed, Senate confirmed officials increases political accountability, particularly as it relates to Congressional oversight. My experience is that the Department responds to Congressional oversight and having politically-responsible

¹ Major Management and Performance Challenges Facing the Department of Homeland Security, <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-08-Nov16.pdf> (November 2016).

² “Major Management and Performance Challenges Facing the Department of Homeland Security” <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-18-11-Nov17.pdf> (November 2017).

officials who must justify programs and operations is a key factor in ensuring the Department stays on track.

- Third, Presidential appointees are better able to represent the Department's interests in interagency coordination. DHS leadership must continually coordinate and plan with other agencies on matters of homeland security. A Presidential appointment carries a stamp of legitimacy within the government that is simply not available to those in an acting capacity. Fewer Presidentially-appointed or full-time leaders means that DHS is not as well equipped to protect its equities in the complex world of interagency relationships.
- Finally, full-time political appointees can bring fresh perspectives and energy to a position. They are better able to reflect the administration's policies, and often have a desire to drive specific issues to completion during their tenure.

DHS now has significant vacancies in leadership positions, including Secretary, Deputy Secretary, Under Secretary for the Office of Strategy, Policy, and Plans, Under Secretary for Management, Under Secretary for Science and Technology, Administrator of FEMA, and Director of ICE. The Commissioner of CBP and the Administrator of TSA are occupying acting roles as Secretary and Deputy Secretary, which will deprive those components of leadership at a critical time. "Dual hatting" undermines the seriousness of the mission of the agencies whose leadership is being plundered. This lack of settled leadership contributes to the significant morale problems that are endemic to DHS components. For DHS to mature as an organization and address the significant root causes of its shortfalls, it must have in place dedicated, long-term political leadership.

I thank the Committee again for the invitation to testify. This concludes my prepared remarks, and I am happy to answer any questions.