



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

April 19, 2013

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
301 7th Street, SW – Mail Stop 0020
Washington, D.C. 20528

Dear Secretary Napolitano:

On March 19, 2013, the Committee on Homeland Security Subcommittee on Oversight and Management Efficiency held a hearing entitled, “*DHS Information Technology: How Effectively Has DHS Harnessed IT to Secure Our Borders and Uphold Immigration Laws?*” The Department of Homeland Security (Department) Chief Information Officer (CIO) Richard Spires was invited to testify at the hearing. CIO Spires accepted the invitation and participated in staff briefings in preparation for the hearing.

On Monday, March 18, 2013, the day before the hearing, the Committee was notified that Mr. Spires would not be testifying, rather the Deputy CIO, Margaret Graves, would be appearing on the Department’s behalf. I have since been apprised that on Friday, March 15, 2013, Mr. Spires was placed on a non-voluntary leave status.

While we are uncertain about the underlying cause of Mr. Spires’ departure – and the Department has not provided any concrete explanation to the Committee – it has been suggested through media reports that Mr. Spires’ leave was spurred by the breadth of his authority as CIO and the unwillingness of Component-level CIOs to yield to this authority.¹

While I do not know whether these media reports are accurate, as a strong advocate of integrated management at the Department with authority resting in the Headquarters-level Management Directorate, it would seem that Mr. Spires’ efforts to assure compliance with Departmental directives and OMB guidance and to use the Department’s Integrated Technology Acquisition Review (ITAR) process would be embraced. Additionally, because the ITAR process is designed to ensure that IT procurements meet architecture guidelines, are not duplicative, and are properly staffed, this process should be welcomed in our current austere budgetary environment.

¹See, Frank Konkel, *Spires Situation Raises Questions, Concerns about CIO Authority*, FCW (April 16, 2013).

Recently, the ITAR review was expanded to *all* Department IT procurements. Without Mr. Spires' leadership, I am concerned that this effort to provide effective oversight of IT procurements will be abandoned. Unfortunately, such an outcome is not out of the realm of possibility considering that the Department's former Joint Requirements Council, which reviewed acquisitions that cost between \$50 million and \$100 million, simply stopped meeting in 2006 and has yet to be reinstated.

In Fiscal Year 2012, the Department spent approximately \$5.6 billion to, among other things, acquire, implement, and operate approximately 360 IT programs, including 83 major investments, which include programs with costs totaling \$50 million or more. In fact, the Department's IT initiatives account for nearly 14 percent of its overall budget. Given the size and significance of this investment, and the absolute necessity that this major undertaking is headed by someone with a proven and effective record, I am concerned about Mr. Spires' absence and the reason behind this sudden turn of events.

It is my understanding that Deputy CIO, Margaret Graves is currently the highest ranking official within the CIO office. However, it is unclear whether Ms. Graves is in an "Acting" position.

While the testimony delivered by Ms. Graves' added to the hearing, I have questions regarding Ms. Graves' employment history at the Department.

Based on her biographical information, Ms. Graves served as Acting CIO from March 2009 until Mr. Spires' appointment in July 2009. Prior to that, she served as Deputy CIO, a position she attained in September 2008. Prior to her selection as Deputy CIO, Ms. Graves served in the Enterprise Business Management Office within the Office of the Chief Information Officer (OCIO). Ms. Graves also served as a Deputy Program Manager for the Border and Transportation Security IT Integration Program. It is unclear, however, whether Ms. Graves served in this capacity as a federal employee or private contractor. It appears from other sources that Ms. Graves may have been converted from a contractor to a direct hire in the OCIO and then placed in a position of authority over projects that she initially served on as a contractor. Given the conflict of interest that could potentially develop from such an arrangement, I am seeking further clarification on Ms. Grave's employment history with the Department, in addition to her private industry service.

Pursuant to Rule (X)(3)(g) and Rule XI of the Rules of the U.S. House of Representatives, please provide responses to the following inquiries no later than May 6, 2013.

1. Please explain in detail the reason for Mr. Spires being placed on either voluntarily or non-voluntary leave on March 15, 2013. Include in this explanation when, or if, Mr. Spires is expected to return and if so the expected date of his return to service at the Department.
2. Provide a full explanation of whom, whether in Mr. Spires' chain-of-command or not, provided information to the Department's leadership, played a role in the decision, or made the final decision regarding Mr. Spires' leave of absence.

3. Provide a detailed accounting of the operating structure of the Office of the Chief Information Officer in light of Mr. Spires' absence, including an indication of who is empowered to make IT decisions in his absence.

4. Please list the title, office, dates of employment, and a concise statement of duties for every position Ms. Graves has served in at the Department of Homeland Security as a federal employee.

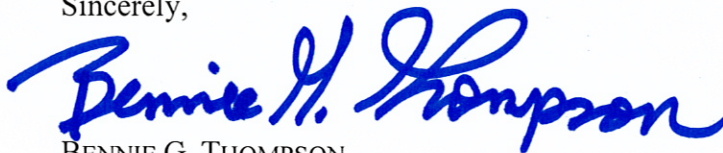
5. Please indicate whether Ms. Graves served at the Department of Homeland Security as a contractor, and if so, please list the office in which she served, the dates of her service, a concise statement of her duties, the functions she was responsible for implementing, and the name of her employer.

6. Please provide a detailed statement regarding how Ms. Graves became officially employed by the Department of the Homeland, including whether the position for which she was employed was filled through a competitive process with selections based on merit.

7. Please provide, to the extent practicable, a listing of the private industry firms in which Ms. Graves was employed prior to her service at the Department of Homeland Security.

Thank you in advance for your attention to this matter. If you have questions or concerns please contact Ms. Cherri Branson, Chief Counsel for Oversight at (202) 226-2616.

Sincerely,



BENNIE G. THOMPSON
Ranking Member