

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Brian David Miller

2. **Position**: State the position for which you have been nominated.

United States Attorney for the Middle District of Pennsylvania

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the Middle District of Pennsylvania
Sylvia H. Rambo United States Courthouse
1501 N. 6th Street, Box 202
Harrisburg, PA 17102

Chambersburg, PA

4. **Birthplace**: State date and place of birth.

1955; New York, NY

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

The University of Texas School of Law
Juris Doctorate – December 1983

Westminster Theological Seminary
Master of Arts in Religion – May 1981
Master of Divinity – May 1981

Temple University
B.A. English – August 1977

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

October 2025 – Present

United States Attorney's Office for the Middle District of Pennsylvania
Sylvia H. Rambo United States Courthouse
1501 N. 6th Street, Box 202
Harrisburg, PA 17102

March 2025 – October 2025

Counselor to the Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

January 2025 – March 2025

Acting General Counsel (designated by President Trump)
Supervisor – Deputy Secretary, Andrew Hughes
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

June 2020 – March 2025

Special Inspector General for Pandemic Recovery (appointed by President Trump, confirmed by the Senate in June 2020)
U.S. Department of the Treasury
1500 Pennsylvania Ave NW
Washington, DC 20220
and
2051 Jamieson Avenue
Alexandria, VA 22314

December 2018 – June 2020

Senior Associate Counsel, Special Assistant to the President of the United States
Office of White House Counsel
Supervisor – Counsel to the President, Pat Cipollone
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

October 2015 – December 2018

Shareholder for Rogers Joseph O'Donnell (RJO) Attorneys
Supervisor – Head of DC Office, Bob Metzger, and Neil O'Donnell
1500 K Street NW, Suite 800
Washington, DC 20005

April 2014 – October 2015
Managing Director
Navigant Consulting
Supervisor – Vice President and Managing Director, Jeff Green
2100 M Street NW
Washington, DC 20036

July 2005 – April 2014
Inspector General (appointed by President Bush, confirmed by the Senate in July 2005)
U.S. General Services Administration
1800 F St NW
Washington, DC 20405

December 2001 – July 2005
Counsel to the U.S. Attorney
U.S. Attorney's Office, Eastern District of Virginia
Supervisor – United States Attorney Paul J. McNulty
I also retained my position as an Assistant United States Attorney
2100 Jamieson Ave
Alexandria, VA 22314

May 1993 (estimated) – July 2005
Assistant United States Attorney
U.S. Attorney's Office, Eastern District of Virginia
Supervisor – Helen Fahey (1993 – 2000), Paul McNulty (2001 – 2005)
During 2001, I served in a detail to the U.S. Department of Justice, Office of the Deputy Attorney General to work on the Bush transition. I served as Senior Counsel to the Deputy Attorney General and as Special Counsel on Health Care Fraud, supervisor Larry Thompson.

July 1991 (estimated) – May 1993 (estimated)
Office of Policy Development, Attorney Advisor
Supervisor – Director of Policy and Chief Spokesman, Paul McNulty
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

January (estimated) 1987 – June 1991 (estimated)
Deputy General Counsel (appointed by President Reagan)
U.S. Commission on Civil Rights
Supervisor – General Counsel, Bill Howard
1331 Pennsylvania Avenue NW, Suite 1150
Washington, DC 20425

June 1985 (estimated) – December 1986 (estimated)

Associate
Yates, McKee & Frenzel
Supervisor – Partner Sealy Yates
1551 N Tustin Ave #710
Santa Ana, CA 92705

January 1984 (estimated) – May 1985 (estimated)
Associate
Atwood, Malone, Mann & Turner
Supervisor – Partner, Bob Turner
400 N Pennsylvania Ave # 1100
Roswell, NM 88201

June 1982 (estimated) – November 1983 (estimated)
Law Student Intern
Davis & Davis
Supervisor – Partner, Peter Meeker
Exact Address Unknown
Austin, TX

May 1978 (estimated) – April 1981 (estimated)
Westminster Security
Supervisor – Dennis Blankenbeckler
Exact Address Unknown
Chestnut Hill, PA

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. military. I am not subject to selective service registration requirements.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Recipient, The David M. Walker Excellence in Government Performance and Accountability Award, presented by the Comptroller General, 2012

Recipient, Attorney General's Distinguished Service Award, 2008

Named one of "Those Who Dared: 30 Officials Who Stood Up for Our Country," a special report of the Citizens for Responsibility and Ethics in Washington, 2008

Recognized by *Ethisphere* magazine as the 12th most influential person in business ethics, 2007

Recipient, 1996 Director's Award for Superior Performance as an Assistant U. S. Attorney

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Special Adviser, International Association of Independent Corporate Monitors (IAICM.org), 2016 – 2018

Vice Chair, ABA Subcommittee on Suspension and Debarment, June 2018 – December 2018

Member, ABA Public Contract Law Section, 2014 – 2018

Subcommittee on Commercial Products and Services Committee, 2014 – 2018

Member, ABA, 2014 – 2018; 1983 – 1986

Federalist Society, at various times 1992 – 1993; 1998 – 1999; 2006 (estimated) – Present

Federal Bar Association, 1988 – 1989

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

District of Columbia, November 1989

Virginia (associate), September 1998

California (inactive), December 1986

New Mexico (inactive), April 1984

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fourth Circuit, October 1993

United States Court of Appeals for the Tenth Circuit, May 1984

United State Court of Federal Claims, August 2016

United States District Court for the Eastern District of Virginia, February 2016

United States District Court for the District of Columbia, November 2019

United States District Court for the Central District of California, January 1987

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Orthodox Presbyterian Church, approximately 1977 – 1985; 2012 – Present (estimated)

Special Adviser, International Association of Independent Corporate Monitors (IAICM.org), approximately 2016 – 2018

Board of Trustees of Westminster Theological Seminary in Escondido, CA, 2015 (estimated) – 2018 (estimated)

Home School Legal Defense Association, 1994-2006 (estimated)

U.S. Chess Federation, approximately 1994 – 2018

Fredericksburg, VA, GOP Committee, 1994 – 2024

Presbyterian Church in America, approximately 1986 – 2012 (estimated)

Virginia Chess Federation, at various times approximately between 1990 – 2010

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the bases of race, sex, religion or national origin either through formal membership requirement or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. The materials I have located are identified in the following lists:

How Crypto Cos Can Help Curb Pandemic Relief Fraud, Law360, September 22, 2021 (co-author), <https://www.law360.com/articles/1423739?sidebar=true>.

Unleash the Pandemic Watchdog, Newsweek, June 7, 2021, <https://www.newsweek.com/unleash-pandemic-watchdog-opinion-1597008>.

Sidestepping the Escobar Two-Step: United States ex rel. Rose v. Stephens Institute Rejects Two-Pronged Test, Bloomberg BNA, Federal Contracts Report, Oct. 18, 2016 (co-author), http://www.rjo.com/PDF/bloombergBNA10182016_BDM-DJC.pdf.

Hiring the Right Monitor to Help Your Company and Not Hurt It, Corporate Counsel Magazine, August 18, 2016, (co-author), http://www.rjo.com/PDF/BSM_08162016_HiringtheRightMonitor.pdf.

Client Alert: U.S. Supreme Court Adopts Implied Certification Liability for Federal Contractors under the False Claims Act and Leaves it to the Courts to Sort out the Rest, RJO Update, June 2016 (co-author), <http://www.rjo.com/updatesBDM-JMD-06172016.html>.

Client Alert: U.S. Supreme Court to Rule on False Claims Act: A Lawyer's Game?, RJO Update, May 2016 (co-author), <http://www.rjo.com/updatesOSZ-BDM-05162016.html>.

BNA INSIGHTS: The False Claims Act: Fraud Without a Word, Bloomberg BNA, Federal Contracts Report, Vol. 105 No. 19, May 17, 2016, https://www.rjo.com/wp-content/uploads/2017/04/bloombergBNA05172016_BDM.pdf.

Compliance Fatigue Syndrome is Real, National Defense Magazine, November 28, 2017, <https://www.nationaldefensemagazine.org/articles/2017/11/28/compliance-fatigue-syndrome-is-real>.

Guide to Fixed-Price Supply Subcontract Terms and Conditions, Fifth Edition, ABA Publishing, 2016, <https://shop.americanbar.org/ebus/store.aspx?productId=136910093&ct=7f8ec44952297ee46ba2f672d846adaf85d8a7a2f9e65a1bf416b44a107bea37e3a88ed9471a85271c5b389bc382518ddcc50819fba9c7e6559ca831a48fd75a&term=Guide+to+Fixed-Price+Supply+Subcontract+Terms+and+Conditions>.

Sidestepping the Escobar Two-Step, United States ex rel. Rose v. Stephens Institute Rejects Two-Pronged Test, Bloomberg BNA, Federal Contracts Report, October 18, 2016, https://www.rjo.com/wp-content/uploads/2017/04/bloombergBNA10182016_BDM-DJC.pdf.

Hiring the Right Monitor to Help Your Company and Not Hurt It, Co-Author, Corporate Counsel Magazine, August 18, 2016, https://www.rjo.com/wp-content/uploads/2017/04/BSM_08162016_HiringtheRightMonitor.pdf.

Caveat Contractor: GSA's Proposed Transactional Data Rule, Law360, April 24, 2015, <https://www.law360.com/governmentcontracts/articles/647522/caveat-contractor-gsa-s-proposed-transactional-data-rule>.

How Privilege Fits into the Compliance Puzzle, Investigations Quarterly Magazine, March 20, 2015 (co-author), <https://www.crowell.com/a/web/dp4egcJLMv5SfTPq9WwVkp/4TtkHB/how-privilege-fits-into-the-compliance-puzzle.pdf>.

The Hidden Cybersecurity Risk for Federal Contractors, Opinion, Federal Computer Week (FCW), January 12, 2016, <https://fcw.com/articles/2016/01/12/miller-oped-false-claims.aspx>.

Five Best Practices for Responding to Federal OIG Subpoenas, Law360, November 13, 2014 (co-author), <https://www.law360.com/articles/595466/5-best-practices-for-responding-to-federal-oig-subpoenas>.

What the DC Circ.'s KBR Decision Means for Compliance, Law360, co-author, July 7, 2014, <https://www.law360.com/articles/553529?scroll=1&related=1>.

Inside DC Cir. Oral Arguments in KBR Privilege Case, Law360, May 9, 2014 (co-author), <https://www.law360.com/appellate/articles/536433/inside-dc-circ-oral-arguments-in-kbr-privilege-case>.

The Federal Acquisition Regulation Mandatory Disclosure Rule Program at the U.S. General Services Administration Office of Inspector General, Updated for the Defense Industry Initiative on Business Ethics and Conduct Best Practices Forum in Washington, DC (2012) and originally published as part of the ABA's 18th Annual Federal Procurement Institute, https://www.gsaig.gov/sites/default/files/misc-reports/FAR_MDR_JuneUpdate_Final_0.pdf.

Returning America's Art to America, Journal of Public Inquiry, Spring/Summer 2011, <https://www.ignet.gov/sites/default/files/files/jpiss2011.pdf>.

Three Ideas to Improve Effective Inspector General Access to Both Information and Individuals, Journal of Public Inquiry, Spring/Summer 2009, <https://www.ignet.gov/sites/default/files/files/sp09jpi.pdf>.

Federal Law Enforcement Training Center Graduation Address, Journal of Public Inquiry, Fall/Winter 2009-2010, <https://www.ignet.gov/sites/default/files/files/fw09jpi.pdf>.

Five Ideas to Fight Fraud That IG's Should Be Interested in, December 1, 2009, https://www.gsaig.gov/sites/default/files/misc-reports/Five_ideas_to_fight_fraud.pdf.

Vice Chair Brian D. Miller's Summary of National Procurement Fraud Task Force Activities, Second Regional Seminar on Good Governance for Southeast Asian Countries: Corruption Control in Public Procurement, UNAFEI, December 2008, http://www.unafei.or.jp/english/pdf/2nd_Regional_Seminar.pdf.

Oversight of a Major Procurement Program: Multiple Award Schedules, co-author, Journal of Public Inquiry, Spring/Summer 2008, <https://www.ignet.gov/sites/default/files/files/sp08jpi.pdf>.

Returning America's Art to America, Journal of Public Inquiry, Spring/Summer 2011, <https://www.ignet.gov/sites/default/files/files/jpiss2011.pdf>.

Three Ideas to Improve Effective Inspector General Access to Both Information and Individuals, Journal of Public Inquiry, Spring/Summer 2009, <https://www.ignet.gov/sites/default/files/files/sp09jpi.pdf>.

Federal Law Enforcement Training Center Graduation Address, Journal of Public Inquiry, Fall/Winter 2009-2010,
<https://www.ignet.gov/sites/default/files/files/fw09jpi.pdf>.

Oversight of a Major Procurement Program: Multiple Award Schedules, co-author, Journal of Public Inquiry, Spring/Summer 2008,
<https://www.ignet.gov/sites/default/files/files/sp08jpi.pdf>.

End 'Judicialmandered' Redistricting, The Wall Street Journal, February 12, 1986. Copy supplied.

United States v. Virginia Psychiatric Company, 45 United States Attorneys' Bulletin 35 (1997). Copy supplied.

Fiddling While Rome Burns: A Response to Dr. Hensler, co-author, 75 Judicature 251 (1992). Copy supplied.

Developing a State Jurisprudence Under Michigan v. Long, 12 Am. J. Crim. L. 99 (1984). Copy supplied.

Victims and Offenders, Book Review, 11 Am. J. Crim. L. 223 (1983). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify all reports, memoranda or policy statements I prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which I was or am a member, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

The Federal Acquisition Regulation Mandatory Disclosure Rule Program at the U.S. General Services Administration Office of Inspector General, updated for the Defense Industry Initiative on Business Ethics and Conduct Best Practices Forum in Washington, DC (2012) and originally published as part of the ABA's 18th Annual Federal Procurement Institute (2012),
https://www.gsaig.gov/sites/default/files/misc-reports/FAR_MDR_JuneUpdate_Final_0.pdf.

See also answers to a, c, d, and e.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Examining Federal COVID-Era Spending and Preventing Future Fraud, Subcommittee on Emerging Threats and Spending Oversight, Senate Homeland Security and Governmental Affairs Committee, 118th Congress, November 14, 2023, <https://oversight.house.gov/wp-content/uploads/2024/12/12.04.2024-SSCP-FINAL-REPORT.pdf>.

Nominations of Brian D. Miller and Dana Wade, Hearing before the Committee on Banking, Housing, and Urban Affairs, United States Senate, 116th Congress, May 5, 2020, <https://www.govinfo.gov/content/pkg/CHRG-116shrg42247/html/CHRG-116shrg42247.htm>.

All Means All: The Justice Department's Failure to Comply with Its Legal Obligation to Ensure Inspector General Access to All Records Needed for Independent Oversight, S. Committee on the Judiciary, 114th Congress, August 5, 2015, <https://www.congress.gov/114/chrg/CHRG-114shrg47448/CHRG-114shrg47448.pdf>.

Inspector General Testifies About Conferences, HSGAC Hearing on Conference Spending, February 14, 2014, <https://www.gsaig.gov/content/inspector-general-testifies-about-conferences>.

Moving from Scandal to Strategy: The Future of the General Services Administration, S. Committee on Homeland Security and Governmental Relations, 112th Congress, September 12, 2012, <https://www.hsgac.senate.gov/hearings/moving-from-scandal-to-strategy/>.

The General Services Administration's Overspending, H. Committee on Transportation and Infrastructure, 112th Congress, August 1, 2012, <https://www.congress.gov/committee-report/112th-congress/house-report/718/1>.

Where Are All the Watchdogs? Addressing Inspector General Vacancies, Hearing Before the H. Committee on Oversight and Government Reform, 112th Congress (May 11, 2012), <https://oversight.house.gov/hearing/where-are-all-the-watchdogs-addressing-inspector-general-vacancies/>.

Briefing on the Western Regions Conference and the “Hats Off” Program, Briefing Before the Subcommittee on Financial Services and General Government of the H. Committee on Appropriations, 112th Congress, April 24, 2012. Could not locate link.

Hearing on Inspector General Management Deficiency Report & FY13 GSA Budget, Hearing Before the Subcommittee on Financial Services and General Government of the Committee on S. Appropriations, 112th Congress, April 18, 2012. Could not locate link.

Oversight Hearing on the General Services Administration, Hearing Before the S. Committee on Environment and Public Works, 112th Congress, April 18, 2012, https://www.gsaig.gov/sites/default/files/testimony/3IG%20Miller%20_EPW%20Testimony%2004.18.12.pdf.

GSA’s Squandering of Taxpayer Dollars: A Pattern of Mismanagement, Excess, and Waste, Hearing Before the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the H. Committee on Transportation and Infrastructure, 112th Congress, April 17, 2012, <https://www.govinfo.gov/content/pkg/CHRG-112hhrg73825/html/CHRG-112hhrg73825.htm>.

Addressing GSA’s Culture of Wasteful Spending, H. Committee on Oversight and Government Reform, 112th Congress, April 16, 2012, <https://www.govinfo.gov/content/pkg/CHRG-112hhrg75709/html/CHRG-112hhrg75709.htm>.

Inspector General Testifies at U.S. Senate Committee on Homeland Security and Governmental Affairs Hearing, HSGAC Hearing, September 12, 2012, <https://www.gsaig.gov/content/inspector-general-testifies-us-senate-committee-homeland-security-and-governmental-affairs>.

Inspector General Testifies About GSA Ceremony, August 1, 2012, <https://www.gsaig.gov/content/inspector-general-testifies-about-gsa-ceremony>.

Inspector General Testifies About the Role of an Inspector General, House Oversight Hearing, May 10, 2012, <https://www.gsaig.gov/content/inspector-general-testifies-about-role-inspector-general>.

Inspector General Testifies About Western Regions Conference, EPW Testimony, April 18, 2012, <https://www.gsaig.gov/content/inspector-general-testifies-about-western-regions-conference-0>.

Inspector General Testifies About Western Regions Conference, 4FinServices Testimony, April 18, 2012, <https://www.gsaig.gov/content/inspector-general->

testifies-about-western-regions-conference.

Inspector General Testifies About Western Regions Conference, T&I Testimony, April 17, 2012, <https://www.gsaig.gov/content/inspector-general-testifies-about-western-regions-conference-2>.

Inspector General Testifies About Western Regions Conference, OGR Testimony, April 16, 2012, <https://www.gsaig.gov/content/inspector-general-testifies-about-western-regions-conference-1>.

Inspector General Testifies About Small Business Fraud, House Committee on Small Business, October 27, 2011, <https://www.gsaig.gov/content/inspector-general-testifies-about-small-business-fraud>.

Inspector General Testifies About Richard H. Poff Building in Roanoke, VA, House Committee on Transportation and Infrastructure, April 14, 2011, <https://www.gsaig.gov/content/inspector-general-testifies-about-richard-h-poff-building-roanoke-va>.

Inspector General Testifies About Bannister Public Relations Contract, Committee on Homeland Security and Governmental Affairs, March 1, 2011, <https://www.gsaig.gov/content/inspector-general-testifies-about-bannister-public-relations-contract>.

Inspector General Testifies About Federal Contract Auditing, Senate Committee on Homeland Security and Governmental Affairs, February 11, 2011, <https://www.gsaig.gov/content/inspector-general-testifies-about-federal-contract-auditing>.

Inspector General Testifies About GSA Recovery Act Projects, Subcommittee on Economic Development Public Buildings, and Emergency Management, May 5, 2009, https://www.gsaig.gov/sites/default/files/testimony/final_testimony.pdf.

Inspector General Testifies About Contract Fraud, Committee on Homeland Security and Governmental Affairs, April 21, 2009, <https://www.gsaig.gov/sites/default/files/testimony/FINAL%20TESTIMONY%20FOR%20APRIL%2021.pdf>.

Inspector General Provides Statement on Close the Contractor Fraud Loophole Act, Subcommittee on Government Management, Organization and Procurement Committee on Oversight and Government Reform, April 15, 2008, <https://www.gsaig.gov/content/inspector-general-provides-statement-close-contractor-fraud-loophole-act>.

Inspector General Testifies About Allegations of Misconduct at GSA, Committee on Oversight and Government Reform, March 28, 2007,
<https://www.gsaig.gov/content/inspector-general-testifies-about-allegations-misconduct-gsa>.

Nominations of Richard L. Skinner and Brian D. Miller, Hearing before the Committee on Homeland Security and Governmental Affairs, United States Senate, 119th Congress, July 18, 2005,
<https://www.govinfo.gov/content/pkg/CHRG-109shrg23161/html/CHRG-109shrg23161.htm>.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

American Conference Institute, 12th Annual Advanced Forum on False Claims and *Qui Tam* Enforcement, NYC Bar Assoc., Jan. 27-28, 2025,
<https://www.americanconference.com/false-claims-qui-tam-enforcement/2025-conference>, <https://www.americanconference.com/false-claims-qui-tam-enforcement/>, <https://www.americanconference.com/false-claims-qui-tam-enforcement/brochure/>. Slideshow supplied.

American Conference Institute, 11th Annual Advanced Forum on False Claims and *Qui Tam* Enforcement, NYC Bar Assoc., Jan. 22-23, 2024,
<https://www.americanconference.com/false-claims-qui-tam-enforcement/>, <https://www.americanconference.com/false-claims-qui-tam-enforcement/brochure/>. Slideshow and materials supplied.

American Conference Institute, 10th Annual Advanced Forum on False Claims and *Qui Tam* Enforcement, Jan. 23-24, 2023,
<https://www.americanconference.com/false-claims-qui-tam-enforcement/>,

<https://www.americanconference.com/false-claims-qui-tam-enforcement/brochure/>. Slideshow supplied.

American Conference Institute, 9th Annual Advanced Forum on False Claims and *Qui Tam* Enforcement, June 22, 2022, <https://www.americanconference.com/false-claims-qui-tam-enforcement/brochure/>. Slideshow and materials supplied.

American Conference Institute, 8th Annual Advanced Forum on False Claims and *Qui Tam* Enforcement, *The Impact of COVID-19 on False Claims and Qui Tam Enforcement*, March 24, 2021, <https://www.americanconference.com/false-claims-qui-tam-enforcement/on-demand/>, <https://www.americanconference.com/false-claims-qui-tam-enforcement/brochure/>.

Virginia Bar Association, 5th Annual White Collar Criminal Law Forum, Keynote Speaker, March 23, 2022, https://cdn.ymaws.com/www.vba.org/resource/resmgr/2022_meetings/22_white_collar/5th_white_collar_agenda_fina.pdf.

Dallas Bar Association, *A Q&A Between Brian Miller, Special Inspector General for Pandemic Recovery, and Prerak Shah, Acting United States Attorney for the Northern District of Texas*, March 8, 2021, <https://www.dallasbar.org/?pg=events&evAction=showDetail&eid=91405&evSubAction=viewMonth&calmonth=202103>.

American Bar Association, 2021 Federal Procurement Institute, *Fireside Chat on Audits and Investigations*, March 11, 2021, <https://www.americanbar.org/news/abanews/aba-news-archives/2021/03/impact-of-covid-19-is-hot-topic-at-virtual-aba-federal-procureme/>, https://www.americanbar.org/groups/public_contract_law/events_cle/21-fpi/.

American Bankers Association Podcast, *Investigating Fraud in COVID Relief Programs*, May 19, 2021, <https://bankingjournal.aba.com/2021/05/podcast-investigating-fraud-in-covid-relief-programs/>.

New York City Bar Association, *A Conversation Between Brian Miller, Special Inspector General for Pandemic Recovery, and Neil Barofsky, Former Special Inspector General, Troubled Asset Relief Program*, October 1, 2020, <https://services.nycbar.org/EventDetail?EventKey=OND10120>.

Federalist Society, 1 hour class on the Federal False Claims Act in light of the Supreme Court's opinion in *Universal Health Services, Inc. v. USA ex rel. Escobar* (2016), with Marsha Madsen, Partner at Meyer Brown, May 4, 2017, <https://fedsoc.org/events/the-false-claims-act-enforcement-of-the-regulatory-state-time-for-a-change>.

Ethics from an IG Perspective, Panelist, Ethics Resource Center, January 16, 2014. No materials or notes retained.

Forecasting Fraud with Predictive Analytics, Presenter, Government Executive's Government Business Council Insights, Webinar, December 17, 2013. No materials or notes retained.

Fighting Fraud, Waste, and Abuse, Keynote and Presenter, Government Professional Development Week 2013, Grand Cayman, Cayman Islands, December 4, 2013. No materials or notes retained.

Data-Intensive Investigations in an Age of Evolving Compliance Standards, Presenter, Compliance Week West 2013, Menlo Park, California, November 15, 2013. No materials or notes retained.

Fighting Fraud, Waste and Abuse in a Digital Environment, Keynote and Presenter, Association of Certified Fraud Examiners, Boise Chapter 2013 and Idaho Fraud Conference, Boise, Idaho, November 5, 2013. No materials or notes retained.

Optimizing Hotline Operations: Doing More with Less, Presenter, City and County of San Francisco Fraud Hotline Web Series, Webinar, October 24, 2013. No materials or notes retained.

Emerging Card Fraud, Presenter, Association of Government Accountants Internal Control and Fraud Prevention Training Event, Washington, D.C. September 16, 2013. No materials or notes retained.

Government Conferences, Travel, and Employee Award Audits, American Institute of Certified Public Accounts, National Accounting and Auditing Conference, Washington, D.C. August 12, 2013. No materials or notes retained.

Protecting Taxpayer Dollars -- The IG Perspective, Presenter, Association of Government Accountants 62nd Annual Professional Development Conference, Grapevine, Texas, July 16, 2013. No materials or notes retained.

Preventing Fraud by Setting the Right Tone at the Top, Presenter, Association of Government Accountants 62nd Annual Professional Development Conference, Grapevine, Texas, July 15, 2013. No materials or notes retained.

Evolution and Future of the IG Community, Presenter, DOD IG 30th Anniversary Speakers Series, Alexandria, Virginia, June 19, 2013. No materials or notes retained.

Fighting Fraud, Waste, and Abuse, Presenter, Association of Government Accountants Atlanta Chapter Professional Development Conference, Atlanta, Georgia, April 12, 2013. No materials or notes retained.

Fighting Fraud, Waste, and Abuse, Presenter, Canadian Council of Legislative Auditors Symposium, Toronto, Canada, April 8, 2013. No materials or notes retained.

I have also addressed the ABA White Collar Crime Institute, 2009; ABA Federal Procurement Institute (2006, 2010, and 2012); Defense Industry Initiative on Business Ethics and Conduct, 2012; and the Alliance for Grey Market and Counterfeit Abatement, 2011. No materials or notes retained.

In the past, I have addressed the Virginia Health Care Association (2004); American Hospital Lawyers Association (2004); Health Lawyers Fraud and Abuse Practice Group of the American Health Lawyers Association (2003); Federal Bar Association's Health Care Fraud and Abuse Seminar (2000). No materials or notes retained.

FCPA Compliance, Ethics & the SOX Framework, SOX 404 Conference, co-presenter, Joseph Moreno, Cadwalader, Wickersham, and Taft, Tysons Corner, Virginia, May 19, 2015. No materials or notes retained.

Professional Development and Other Trends in the Oversight Community, Georgetown University's Capstone Conference in the Master of Policy Management Program-Public Service, Washington, D.C., May 13, 2015. No materials or notes retained.

Ethics & Disclosure Process in an International Environment, International Accounting Conference, co-presenter, Roberto Braceras, Goodwin Procter, Boston, Massachusetts, April 28, 2015. No materials or notes retained.

Dealing with the Inspectors General and the FBI, ABA 29th Annual National Institute on White Collar Crime, panelist, New Orleans, Louisiana, March 9, 2015. No materials or notes retained.

Investigating Fraud, Waste, and Abuse, 7th Annual Legal & Ethics Conference, Indiana Convention Center, Indianapolis, Indiana, December 1, 2014. No materials or notes retained.

Attorney-Client Privilege & Internal Investigations, ABA Section on Public Contract Law, State and Local Procurement Committee, co-presenter, Prof. Kathleen Clark, Webinar, November 21, 2014. No materials or notes retained.

Ethics & Disclosure Process in an International Environment, International Accounting Conference, co-presenter, Reed Brodsky, Gibson Dunn, New York, New York, November 13, 2014. No materials or notes retained.

IT and Service Contracting with the Government: How Contractors Can Stay Out of Trouble and Off the Radar, panelist, Webinar, November 12, 2014. No materials or notes retained.

Federal Investigations and Compliance, IBM U.S. Federal Integrity Summit, panelist, Washington, D.C., November 10, 2014. No materials or notes retained.

Handling High Tech Issues in Fraud Cases, ABA Section on Public Contract Law Fall Conference, organized and moderated the panel, Miami, Florida, October 30, 2014. No materials or notes retained.

The Balancing Act, Fall Training Conference of the Association of Inspectors General, Newark, New Jersey, October 23, 2014. No materials or notes retained.

The Civil False Claims Act, 2014 Board of Contract Appeals Bar Association Annual Conference, panelist, Washington, D.C., October 15, 2014. No materials or notes retained.

Ethics & Disclosure Process in an International Environment, International Accounting Conference, co-presenter, John Tang, Jones Day, San Jose, California, August 21, 2014. No materials or notes retained.

Best Practices for Internal Investigations for Government Contractors, 2014 ABA Annual Meeting, Section on Public Contract, panelist, Boston, Massachusetts, August 8, 2014. No materials or notes retained.

2014 Best Practices Forum, Healthcare Group Purchasing Industry Initiative, Keynote Speaker, July 24, 2014, Washington, D.C. No materials or notes retained.

Five Years of Experience with the Mandatory Disclosure Rule: Essentials Contractors Need to Know, NCMA Tysons Corner Chapter, co-presenter, Jonathan Aronie, Sheppard Mullin, Tysons Corner, Virginia, June 24, 2014. No materials or notes retained.

Changing an Organization's Culture by Setting the Right Tone at the Top, Association of Certified Fraud Examiners, D.C. Chapter, June 23, 2014. No materials or notes retained.

Art of Scoping the Investigation, Compliance Week Annual Conference, panelist, Washington, D.C., May 19, 2014. No materials or notes retained.

Preserving the Privilege: Developments and Best Practices to Protect the Applicable Privileges During Internal Investigations, Construction Industry Ethics & Compliance Initiative, Washington, D.C., May 7, 2014. No materials or notes retained.

Mandatory Disclosure: A Time for Revision? ABA Public Contract Law Section's Procurement Fraud Subcommittee, Washington, D.C., April 10, 2014. No materials or notes retained.

MAS Contract Compliance & the 5th Anniversary of the Mandatory Disclosure Rule, Keynote, Coalition for Government Procurement, Tysons Corner, Virginia, February 5, 2014. No materials or notes retained.

Ethics from an IG Perspective, Ethics Resource Center, Arlington, Virginia, January 16, 2014. No materials or notes retained.

Forecasting Fraud with Predictive Analytics, Government Executive's Government Business Council Insights, Webinar, December 17, 2013. No materials or notes retained.

Data-Intensive Investigations in an Age of Evolving Compliance Standards, Compliance Week West 2013, Menlo Park, California, November 15, 2013. No materials or notes retained.

Fighting Fraud, Waste, and Abuse in a Digital Environment, Association of Certified Fraud Examiners, Boise Chapter, 2013 Idaho Fraud Conference, Boise, Idaho, November 5, 2013. No materials or notes retained.

Optimizing Hotline Operations: Doing More with Less, Presenter, City and County of San Francisco Fraud Hotline Web Series, Webinar, October 24, 2013. No materials or notes retained.

Emerging Card Fraud, Presenter, Association of Government Accountants, Internal Control and Fraud Prevention Training Event, Washington, D.C., September 16, 2013. No materials or notes retained.

Government Conferences, Travel, and Employee Award Audits, American Institute of Certified Public Accountants, National Accounting and Auditing Conference, Washington, D.C., August 12, 2013. No materials or notes retained.

Protecting Taxpayer Dollars – The IG Perspective, Association of Government Accountants, 62nd Annual Professional Development Conference, Grapevine, Texas, July 16, 2013. No materials or notes retained.

Preventing Fraud by Setting the Right Tone at the Top, Association of Government Accountants, 62nd Annual Professional Development Conference, Grapevine, Texas, July 15, 2013. No materials or notes retained.

Evolution and Future of the IG Community, Department of Defense Inspector General 30th Anniversary Speaker Series, Alexandria, Virginia, June 19, 2013. No materials or notes retained.

Fighting Fraud, Waste, and Abuse, Association of Government Accountants Atlanta Chapter, Professional Development Conference, Atlanta, Georgia, April 12, 2013. No materials or notes retained.

Fighting Fraud, Waste, and Abuse, Canadian Council of Legislative Auditors Symposium, Toronto, Canada, April 8, 2013. No materials or notes retained.

Panelist on Preserving the Privilege Developments and Best Practices to Protect the Applicable Privileges during Internal Investigations, Construction Industry Ethics & Compliance Initiative, May 7, 2014. No materials or notes retained.

Panelist on the *Art of Scoping the Investigation*, Compliance Week 2014, Annual Conference, May 19, 2014. No materials or notes retained.

Panelist, *Mandatory Disclosure: A Time for Revision?*, ABA Public Contracts Law Section's Procurement Fraud Subcommittee, April 10, 2014. No materials or notes retained.

MAS Contract Compliance and the 5th Anniversary of the Mandatory Disclosure Rule, Keynote, Coalition for Government Procurement, Tysons Corners, Virginia, February 5, 2014. No materials or notes retained.

Panelist for the Virginia Health Care Association, February 25, 2004. No materials or notes retained.

Panelist for the American Hospital Lawyers Association, February 14, 2004. No materials or notes retained.

Provided Training to IG Agents at the IG training center in Rosslyn, Virginia, October 23, 2003. No materials or notes retained.

Townhall panelist on Arab-American Issues for the United States Attorney's Office on August 6, 2003, <https://www.c-span.org/program/public-affairs-event/arab-american-issues/197700>.

Panelist, Federal Bar Association's Healthcare Fraud and Abuse Seminar in San Antonio, Texas, May 5, 2000. No materials or notes retained.

Luncheon speaker, Health Lawyers Fraud and Abuse Practice Group of the American Health Lawyers Association, September 1983. No materials or notes retained.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

I also have radio and television appearances, such as my Bloomberg radio appearance with Harvard Law Professor Noah Feldman on the Supreme Court's False Claims Act ruling earlier that day,
<https://www.bloomberg.com/news/audio/2016-06-16/bloomberg-law-high-court-gives-uhs-partial-win-audio>.

Bloomberg Law: High Court Gives UHS Partial Win, Interviewed by Bloomberg Radio with Harvard Law Professor Noah Feldman, June 16, 2016,
<http://www.bloomberg.com/news/audio/2016-06-16/bloomberg-law-high-court-gives-uhs-partial-win-audio>.

Homeland Security Purchase Cards Hacked, Used to Buy Starbucks, Interviewed by NBC News4, August 28, 2015, 2015,
<http://www.nbcwashington.com/investigations/Homeland-Security-Purchase-Cards-Hacked-Used-to-Buy-Starbucks-323246181.html>.

Quoted in *Limits on inspectors general gathering data are criticized*, *Washington Post*, July 26, 2015, at A4, <http://www.washingtonpost.com/blogs/federal-eye/wp/2015/07/24/justice-dept-watchdog-says-agency-ruling-undermines-his-job/>.

Interviewed on Fox News, *Your World with Neil Cavuto*, July 2, 2015,
http://public.media.foxnews.com/2015/07/13/070215YWLINK-3AAB5X8A_WMPG4.mp4.

Interviewed by NBC News4, *NIH Spends Millions on Paperwork Due to Bookkeeping Rules*, June 17, 2015,
<http://www.nbcwashington.com/video/#!/investigations/video/NIH-Spends-Millions-on-Paperwork-Due-to-Bookkeeping-Rules/308021931>.

Quoted in *Why confidential tips to the government may not be confidential after all*, Washington Post, April 16, 2015, <http://www.washingtonpost.com/blogs/the-switch/wp/2015/04/16/why-confidential-tips-to-the-government-may-not-be-confidential-after-all/>.

Quoted in *GSA official at center of Las Vegas conference scandal pleads guilty to fraud*, Washington Post, April 1, 2015, <http://www.washingtonpost.com/blogs/federal-eye/wp/2015/04/01/gsa-official-at-center-of-las-vegas-conference-scandal-pleads-guilty-to-fraud/>.

Quoted in *A New GSA Scandal Says 'Aloha,'* National Review, February 24, 2015, <http://www.nationalreview.com/article/414292/new-gsa-scandal-says-aloha-jillian-kay-melchior?target=author&tid=903221>.

Interview with Brian D. Miller, *PubKLaw.com*, February 9, 2015, <http://washingtondcmarketing.org/pubklaw-new/blog/2015/02/09/qa-with-navigants-brian-miller/>.

Quoted in *What happened with the GSA in Vegas stymies federal workers*, Washington Post, February 8, 2015, http://www.washingtonpost.com/politics/clampdown-after-gsa-scandal-puts-some-federal-workers-in-a-pinch/2015/02/08/d8217240-a5a4-11e4-a7c2-03d37af98440_story.html.

Interviewed by NBC News4, *Teddy Roosevelt's Rocking Chair Found at Auction, Returned to White House*, May 6, 2015, <http://www.nbcwashington.com/investigations/Teddy-Roosevelts-Rocking-Chair-Found-at-Auction-Returned-to-White-House-302703721.html>.

Interviewed by NBC News4, *Federal Government Made \$20 Billion in Secret Purchases*, November 1, 2014, <http://www.nbcwashington.com/investigations/Federal-Government-Made-20-Billion-in-Secret-Purchases-in-Recent-Months-280997562.html>.

Quoted in *Report: DHS employees put \$30,000 worth of Starbucks on government credit card*, Washington Post, October 31, 2014, <http://www.washingtonpost.com/blogs/in-the-loop/wp/2014/10/31/report-dhs-employees-put-30000-worth-of-starbucks-on-government-credit-card/>.

Interviewed on National Public Radio, *Government Watchdogs Complain of Closed Doors Set up by White House*, August 14, 2014, <http://www.wbur.org/npr/340127340/government-watchdogs-complain-of-closed-doors-set-up-by-white-house>.

Interviewed on National Public Radio, *New Deal Treasure: Government Search for Long Lost Art*, April 16, 2014, <http://www.npr.org/2014/04/16/303718738/new-deal-treasure-government-searches-for-long-lost-art>.

Quoted in *VA's loyalty to reverse auction firm FedBid raises red flags*, Washington Times, October 8, 2014, <http://www.washingtontimes.com/news/2014/oct/8/vas-loyalty-to-reverse-auction-firm-fedbid-raises-/?page=all>.

Quoted in *Five Tips for Internal False Claims Act Investigations*, Law 360, August 13, 2014, <http://www.law360.com/articles/566449/5-tips-for-internal-false-claims-act-investigations>.

Quoted in *Ex-GSA Official Indicted Over Travel Spending*, Law360, September 26, 2014, <http://www.law360.com/articles/581349/ex-gsa-official-indicted-over-travel-spending>.

Interviewed by Fox TV News23, *Lavish Conferences Spending Taxpayer Dollars*, October 2, 2014, <http://www.fox23.com/videos/news/lavish-conferences-spending-taxpayer-dollars/vCwHG6/>.

Featured in *Setting the Scope of an Investigation*, Compliance Week, March 25, 2014, <https://www.complianceweek.com/news/news-article/setting-the-scope-of-an-investigation#.VXE5Ss9Viko>.

Featured in *GSA inspector general exits governments with legacy of high profile cases*, Washington Post, April 7, 2014, <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/04/07/gsa-inspector-general-exits-government-with-legacy-of-high-profile-cases/>.

Questions & Answers with GSA Inspector General Brian Miller, Law360, <http://www.law360.com/articles/524281/q-a-with-gsa-inspector-general-brian-miller>.

Interviewed on Antiques Roadshow, http://www.pbs.org/wgbh/roadshow/rmw/RMW-004_201006F02.html.

Frequent Interviews on Federal News Radio:

Interview with Inspector General for Pandemic Recovery Brian Miller, April 19, 2022, <https://federalnewsnetwork.com/podcast/search-for-accountability-podcast/special-inspector-general-for-pandemic-recovery-brian-miller/>.

Off the Shelf Program, Federal News Radio, *An Update on the Civil False Claims Act*, an interview with Brian Miller, April 17, 2016,

<http://federalnewsradio.com/off-the-shelf/2016/04/an-update-on-the-civil-false-claims-act-2/>.

Interview with Jon Rymer, DoD IG, and Brian Miller, September 21, 2015, <http://federalnewsradio.com/in-depth/2015/09/rymer-dod-inspector-general-office-like-no/>.

Interview with Brian Miller, *Another Roadblock for the Inspector General Community*, July 24, 2015, <http://federalnewsradio.com/in-depth/2015/07/brian-miller-another-roadblock-for-the-inspector-general-community/>.

Off the Shelf Program, Federal News Radio, *An Update on the Transactional Data Reporting Rule*, an interview with Brian Miller, May 5, 2015, <http://www.federalnewsradio.com/80/3854191/An-update-on-GSAs-transactional-data-reporting-rule>.

Interview of David Montoya, IG, HUD, and Brian Miller, Navigant, April 7, 2015, <http://www.federalnewsradio.com/485/3834895/David-Montoya-IG-HUD-and-Brian-Miller-Navigant>.

Interview of Brian Miller, Navigant, Former IG, GSA, April 2, 2015, <http://www.federalnewsradio.com/445/3832493/Brian-Miller-Managing-Director-Navigant-Former-IG-GSA>.

Interview of Brian Miller, Navigant, Former IG, GSA, January 29, 2015, <http://www.federalnewsradio.com/482/3790495/Brian-Miller-Managing-Director-Navigant-Former-IG-GSA>.

Interview with Michael Horowitz, IG, DOJ, and Brian Miller, Navigant, December 16, 2014, <http://www.federalnewsradio.com/86/3764209/Michael-Horowitz-IG-Justice-Department-Brian-Miller-Navigant>.

Interview with Daniel Levenson, IG, HHS, and Brian Miller, Navigant, <http://www.federalnewsradio.com/454/3745273/Executive-Suite-Dan-Levinson-and-Brian-Miller> (date not available).

Interview with Calvin Scovel, IG, DOT, and Brian Miller, Navigant, April 12, 2014, <http://www.federalnewsradio.com/529/3680362/Brian-Miller-Navigant-Cal-Scovel-IG-Transportation-Department>.

Interview with Brian Miller, Managing Director, Navigant, July 1, 2014, <http://www.federalnewsradio.com/445/3654923/Brian-Miller-Managing-Director-Navigant>.

Interview with Brian Miller, Managing Director, Navigant, Former IG, GSA, June 10, 2015,
<http://www.federalnewsradio.com/145/3873245/Brian-Miller-Managing-Director-Navigant-Former-IG-GSA>.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Appointed Deputy General Counsel of the U.S. Commission on Civil Rights by the Reagan Administration, 1987 – 1990

Appointed Attorney-Advisor, Office of Policy Development, DOJ, by Attorney General Richard Thornburgh, 1990 – 1993

Appointed Assistant United States Attorney for the Eastern District of Virginia by Attorney General Janet Reno, 1993 – 2005

Appointed Inspector General of the General Services Administration by President Bush, 2005 – 2014

Appointed Senior Associate Counsel and Special Assistant to the President by President Trump, 2018 – 2020

Appointed Special Inspector General for Pandemic Recovery by President Trump, 2020 – Present

Designated Acting General Counsel of HUD by President Trump, January 2025 – March 2025

Appointed Counselor to the Secretary of HUD by the Trump Administration, March 2025 – October 2025

Appointed United States Attorney for the Middle District of Pennsylvania by the Trump Administration, October 2025 – Present

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held a position or played a role in a political campaign. I was Petition Captain for John Warner for Senate in 2002. I was a member of Lawyers for Bush/Cheney (participated in one weekend event) in 2000.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not clerked for a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

June 1982 (estimated) – November 1983 (estimated)

Law Student Intern

Davis & Davis

Supervisor – Partner, Peter Meeker

Exact Address Unknown

Austin, TX

July & August 1983

Summer Associate

Atwood, Malone, Mann & Turner

Roswell, N.M.

January 1984 (estimated) – May 1985 (estimated)

Associate

Atwood, Malone, Mann & Turner

Supervisor – Partner, Bob Turner

400 N Pennsylvania Ave # 1100

Roswell, NM 88201

June 1985 (estimated) – December 1986 (estimated)

Associate

Yates, McKee & Frenzel

Supervisor – Partner Sealy Yates

1551 N Tustin Ave #710

Santa Ana, CA 92705

January (estimated) 1987 – June 1991 (estimated)
Deputy General Counsel (appointed by President Reagan)
U.S. Commission on Civil Rights
Supervisor – General Counsel, Bill Howard
1331 Pennsylvania Avenue NW, Suite 1150
Washington, DC 20425

July 1991 (estimated) – August 1993 (estimated)
Office of Policy Development, Attorney Advisor
Supervisor – Director of Policy and Chief Spokesman, Paul McNulty
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

September 1993 – July 2005
Assistant United States Attorney
U.S. Attorney's Office, Eastern District of Virginia
Supervisor – Helen Fahey (1993 – 2000), Paul McNulty (2001 – 2005)
During 2001, I served in a detail to the U.S. Department of Justice,
Office of the Deputy Attorney General to work on the Bush
transition. I served as Senior Counsel to the Deputy Attorney
General and as Special Counsel on Health Care Fraud, supervisor
Larry Thompson.

July 2005 – April 2014
Inspector General (appointed by President Bush, confirmed by the Senate
in July 2005)
U.S. General Services Administration
1800 F St NW
Washington, DC 20405

December 2002 – July 2005
Counsel to the U.S. Attorney
U.S. Attorney's Office, Eastern District of Virginia
Supervisor – United States Attorney Paul J. McNulty
I also retained my position as an Assistant United States Attorney
2100 Jamieson Ave
Alexandria, VA 22314

April 2014 – October 2015
Managing Director
Navigant Consulting
Supervisor – Vice President and Managing Director, Jeff Green
2100 M Street NW

Washington, DC 20036

October 2015 – December 2018

Shareholder for Rogers Joseph O'Donnell (RJO) Attorneys

Supervisor – Head of DC Office, Bob Metzger, and Neil O'Donnell

1500 K Street NW, Suite 800

Washington, DC 20005

December 2018 – June 2020

Senior Associate Counsel, Special Assistant to the President of the United States

Office of White House Counsel

Supervisor – Counsel to the President, Pat Cipollone

The White House

1600 Pennsylvania Ave NW

Washington, DC 20500

June 2020 – March 2025

Special Inspector General for Pandemic Recovery (appointed by President Trump, confirmed by the Senate in June 2020)

U.S. Department of the Treasury

1500 Pennsylvania Ave NW

Washington, DC 20220

and

2051 Jamieson Avenue

Alexandria, VA 22314

January 2025 – March 2025

Acting General Counsel (designated by President Trump)

Supervisor – Deputy Secretary, Andrew Hughes

U.S. Department of Housing and Urban Development

451 7th Street SW

Washington, DC 20410

March 2025 – October 2025

Counselor to the Secretary

U.S. Department of Housing and Urban Development

451 7th Street SW

Washington, DC 20410

October 2025 – Present

United States Attorney's for the Middle District of Pennsylvania

U.S. Department of Justice

Sylvia H. Rambo United States Courthouse

1501 N. 6th Street, Box 202

Harrisburg, PA 17102

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

- v. whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held any judicial office.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My practice has primarily been as a career Federal government lawyer with the Department of Justice from about 1990 – 2005. After a couple of years as a career attorney-advisor in the policy office, I became a career AUSA. Subsequently, I became a Federal, Senate-Confirmed Inspector General (at GSA), where I focused on fraud and False Claims Act cases (in which GSA was the victim) and public corruption cases, such as the Las Vegas Conference investigation and conviction of the Regional Administrator for the Western Region of GSA. In private practice at the DC office of a government contracts law firm, I was a corporate compliance monitor and expert witness. I also did white collar defense and government contracts work. More recently, I joined White House Counsel's office and then became the Special Inspector General for Pandemic Recovery. Beginning in President Trump's second term, I became the acting General Counsel of HUD and then Counselor to the Secretary exercising the delegated duties of the General Counsel. Now with a confirmed GC at HUD, I am advising on legal issues more generally.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Davis & Davis (Austin, Texas), approximately 1981 – 82, law student intern, Peter Meeker, supervisor. I did legal research and writing for healthcare clients involving healthcare and litigation.

Atwood, Malone, Mann & Turner (Roswell, N.M.), approximately 1983 – 1985, Associate, Bob Turner supervisor. I tried small insurance cases in bench trials in New Mexico state courts. I researched and wrote briefs in litigation ranging from products liability (representing a large automobile manufacturer); wrote briefs in securities litigation (representing oil and gas investors); took depositions in a medical malpractice case (representing a hospital); and drafted memoranda supporting litigation positions in a large state antitrust case (representing a joint venture between gas companies).

Yates, McKee & Frenzel (Santa Ana, California), approximately 1985 – 1987, Associate, Sealy Yates supervisor. I performed legal research and writing in state court litigation.

Deputy General Counsel, U.S. Commission on Civil Rights (Washington, D.C.), appointed by President Reagan, approximately 1987 – 1990, Bill Howard, supervisor. Assisted the General Counsel in managing the Office of General Counsel; identified and interviewed witnesses and examined and cross-examined witnesses at hearings conducted by the Commission; assisted in writing reports and conducted and supervised legal sufficiency reviews.

Office of Policy Development, U.S. Department of Justice (Washington, D.C.), Attorney-Advisor, approximately 1991 – 1993, Paul McNulty, supervisor. Legal research and writing on legal policy matters; drafted letters for various officials at DOJ; reviewed legislation and policies; reviewed regulations and worked with OMB (OIRA) on clearance matters.

Assistant United States Attorney, Eastern District of Virginia, (Alexandria, VA), 1993 – 2005, Helen Fahey, supervisor 1993 – 2000, and Paul McNulty, supervisor 2001 – 2005.

From 1993 to 2000, I handled civil matters defending the United States in Federal Tort Claims Act (FTCA) litigation, employment litigation, Privacy Act, and other matters. I also developed and brought False Claims Act cases against contractors, physicians, and hospitals. In 1996, I received the Director's Award for Superior Performance as an Assistant United States Attorney for bringing a "science fraud" case, *U.S. v. Excel, Inc.* Excel had fake scientific equipment (lasers) and was falsely billing the National Science Foundation and DoD agencies for fabricated and plagiarized work. This was one of the first major cases under the Small Business Innovative Research (SBIR) program.

During 2001, I served on a detail to the U.S. Department of Justice, Office of the Deputy Attorney General, to work on the Bush transition. I served as Senior Counsel to the Deputy Attorney General and as Special Counsel

on Health Care Fraud, supervisor Larry Thompson. During my time in the Office of the Deputy Attorney General, I assisted in managing various divisions of the Department of Justice and worked with White House Counsel's Office. I also served as the Special Counsel for Healthcare Fraud convening a working group with the FBI and the criminal and civil divisions to review healthcare fraud efforts. I also managed the Health Care Fraud and Abuse Control program under the joint direction of the Attorney General and the Secretary of DHHS. More generally, I reviewed pleadings in litigation matters and advised on many appellate issues.

Counsel to the U.S. Attorney, EDVA, 2002 – 2005, supervisor Paul McNulty. I also retained my position as an Assistant United States Attorney. I participated with the U.S. Attorney in managing the U.S. Attorney's Office. I also maintained a caseload criminal and civil cases. Notably, I assisted in the Moussaoui prosecution and reviewed classification and procedures for sealing documents in Moussaoui as well as other cases. I successfully argued an important case on sealing documents in the district court and the Fourth Circuit Court of Appeals, Media General v. Buchanan. I led a team of prosecutors to take over a drug case in West Virginia. U.S. v. Dyess, et al. I also tried a drug-related murder case. U.S. v. Smith and Smallwood. Additionally, I tried a medical malpractice case out of Fort Belvoir in a bench trial. Lastly, I handled one of the first prosecutions of an Internet pharmacy. See <http://www.washingtonpost.com/wp-dyn/articles/A51115-2004Aug31.html>.

Inspector General, U.S. General Services Administration (Washington, D.C.), 2005 – 2014, appointed by President Bush, confirmed by the Senate, July 2005. I served as a Senate-confirmed Federal inspector general overseeing special agents with federal law enforcement authority and auditors. I managed an office of over 300 employees as the Inspector General of the General Services Administration from 2005 to 2014. Most notably, my office investigated and reported on a GSA conference in Las Vegas. As a result of our investigation, the organizer of the conference was convicted of felony charges. I advised on False Claims Act issues and was the final appeal in cases of FOIA.

Managing Director, Navigant Consulting (Washington, D.C.), 2014 – 2015, Jeff Green supervisor. I advised clients on how to respond to a DOJ investigation, conducted internal investigations, and designed an internal audit to defend against a False Claims Act lawsuit. I was hired as an expert witness in government contracts in state court litigation.

Shareholder, Rogers, Joseph, O'Donnell (Washington, D.C.), 2015 – 2018, Bob Metzger and Neil O'Donnell, supervisors. I represented clients in criminal and civil cases, inspector general audits and investigations,

suspension and debarment proceedings, and in matters before Federal contracting officers. I conducted internal investigations and compliance reviews and drafted codes of business ethics for clients. Notably, I served as an expert witness in government investigations in a Federal arbitration, as a consulting expert on the California False Claims Act, and as a corporate-compliance monitor. Interestingly, in 2016, I represented a potential witness in a potential murder trial in D.C.

Senior Associate Counsel and Special Assistant to the President of the United States, Office of White House Counsel, 2018 – 2020, Pat Cipollone, supervisor. I advised President Trump and senior Executive Branch officials on a wide range of urgent and sensitive legal issues.

Special Inspector General for Pandemic Recovery, U.S. Department of the Treasury, June 2020 – March 2025, appointed by President Trump and confirmed by the Senate. I served as a Senate-confirmed Federal inspector general from 2020 – 2025 as the Special Inspector General for Pandemic Recovery. I advised on legal matters, overseeing the office of counsel, served as the FOIA appeals officer, and the designated agency ethics officer. I also scoped, guided, and developed investigations, investigative plans, and audit plans. For examples of my legal work, please see my initial report to Congress when I had only a few employees. See also our briefing to the Office of Legal Counsel at the Department of Justice. See https://www.sigpr.gov/sites/sigpr/files/2020-09/SIGPR-Initial-Report-to-Congress-August-3-2020_0.pdf (legal analysis of CARES Act jurisdiction); <https://www.sigpr.gov/sites/sigpr/files/2021-04/SIGPR-Quarterly-Report-to-Congress-March-31-2021.pdf> (see esp. appendices for the Office of Legal Counsel, Department of Justice).

Acting General Counsel, HUD, January 2025 – March 2025, designated by President Trump to be Acting General Counsel, supervisor, Andrew Hughes, Deputy Secretary. Advised on several executive branch issues and managed the Office of General Counsel with a few hundred lawyers.

Counselor to the Secretary of HUD, March 2025 – October 2025. Andrew Hughes, Deputy Secretary. I advise the Secretary and Deputy Secretary on sensitive legal issues.

United States Attorney for the Middle District of Pennsylvania, October 2025 – Present.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

After so many years, it is impossible to parse out percentages. To the best

of my recollection, overall, I appeared in court occasionally, but my legal work was largely litigation related. As an AUSA, almost everything was related to Federal court litigation. *See e.g., Salazar v. United States Postal Service*, 929 F.Supp. 966 (E.D.Va. 1996); 1999 WL 34869042 (E.D.Va), The Honorable T.S. Ellis, Case No. 96-188-A. All of my False Claims Act cases implied Federal litigation. Another example is when I represented the United States in relation to holding an individual as a material witness before the grand jury. The individual was alleged to have provided material support for terrorism. The hearing was before Judge Gerald Bruce Lee, in the E.D.Va., on or around July 26, 2003 (I don't remember the precise date). In other positions such as when I was at DOJ, the work often had a relation to Federal litigation, but I did not appear in Federal court. Likewise, as a Federal inspector general I did not appear in court, but the goal of much of the work was criminal prosecution or civil actions filed in Federal court.

- i. Indicate the percentage of your practice in:
 1. federal courts: 60 % estimated
 2. state courts of record: 10% estimated
 3. other courts: 5% estimated
 4. administrative agencies: 25% estimated
- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 75% estimated—related to civil proceedings.
 2. criminal proceedings: 25% estimated—related to criminal matters.
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

To the best of my recollection, I appeared before a number of administrative officials. For example, I presented evidence in legal proceedings before the Army' Suspension and Debarment Official and the official issued a written opinion after the presentation of the prosecution case and my defense presentation. Likewise, after multiple-day evidentiary proceedings with witnesses before a Federal Judge, the judge ruled against ordering a new trial. *See U.S. v. Dyess*, 293 F. Supp. 2d 675 (S.D. W.V 2003); *U.S. v. Bartram*, 407 F.3d 307 (4th Cir. 2005); *U.S. v. Dyess*, 478 F.3d 224 (4th Cir. 2007). I led the team of two other Special Attorneys for the Attorney General: AUSA Michael Elston and AUSA Kim Pedersen. Additionally, I was an expert witness in a Federal Arbitration (on government investigations). The retired Federal Judge, who was the arbitrator, quoted my testimony in his opinion in favor of my client.

- i. What percentage of these trials were:
 1. Jury: 3 criminal cases—chief counsel.
 2. non-jury: I remember at least one (FTCA medical malpractice case). I cannot remember whether I was lead or associate counsel. I

simply do not remember others. I have handled appeals from administrative proceedings: *Crews v. Shalala*, 40 F.Supp.2d 350 (E.D.Va. 1999); *Fattahi v. ATF*, 328 F3d. 176 (4th Cir. 2003).

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not argued before the Supreme Court.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

(1) U.S. v. Smallwood/Smith

Case No. 1:03cr245 (E.D. Va.)

The Honorable T.S. Ellis

U.S. District Court for the Eastern District of Virginia

2003 – 2005

This was a complex drug-related murder trial with several complex legal issues. Defendants Thomas E. Smith, Jr. and Tyrone Smallwood were members of a large drug manufacturing and distribution ring that operated in Virginia, Maryland, and Washington, D.C. Defendants Smallwood and Smith sold large amounts of crack cocaine on numerous occasions. The murder victim, Conrad Shelton, was an addict who did odd jobs for Smith and Smallwood in exchange for crack cocaine. After discovering that crack cocaine and cash had been stolen from them, Smith and Smallwood thought that Conrad Shelton had stolen the crack cocaine and cash. On February 11, 1996, Smith and Smallwood, along with Anthony Brown (who pleaded guilty to aiding and abetting) serving as a “look out,” found Conrad Shelton. Smith and Smallwood then proceeded to shoot Shelton twelve times in an alley.

A Federal grand jury in the Eastern District of Virginia indicted Smith for conspiracy to distribute more than fifty grams of cocaine base (crack cocaine) under 21 U.S.C. section 846 (Count 1) and both Smith and Smallwood for murder while engaged in a drug trafficking crime under 21 U.S.C. section 848(e)(1)(A) (Count 2), and the use of a firearm in relation to a drug trafficking crime, causing the death of Conrad Shelton under 18 U.S.C. section 924(c)(1)(A)(j) (Count 3).

In addition to the jury trial, I appeared and argued for the United States in several hearings involving complex legal issues. See e.g., *United States v. Smallwood*, 293 F.Supp.2d 631 (E.D.Va 2003)(denying transfer of venue; denying dismissal of the

firearms charge, and deferring ruling on suppression motion); *United States v. Smallwood*, 299 F.Supp.2d 578 (E.D.Va 2004)(motion in limine re statements of decedent on day of the murder; statements of murder victim's roommate; and statements of victim's sister); *U.S. v. Smallwood*, 306 F.Supp.2d 582 (E.D.Va. 2004)(relevancy of firearms recovered in search of defendants' residence; firearms were not "other acts" evidence; probative value of firearms did not substantially outweigh the possibility of unfair prejudice); *U.S. v. Smallwood*, 307 F.Supp. 2d 784 (E.D.Va. 2004)(non-testifying defendant's statement implicating co-defendant in murder could be admitted without violating co-defendant's right to confrontation); *U.S. v. Smallwood*, 311 F.Supp.2d 535 (EDVA 2004)(use immunity/Kastigar hearing issues); *United States v. Smallwood*, 365 F.Supp.2d 689 (E.D.Va 2005)(behavior and payment of investigators hired by court-appointed defense counsel); *See U.S. v. Smith*, 452 F.3d 323 (4th Cir. 2006) for a summary of the facts of the case.

I was lead counsel, and co-counsel was AUSA Erik Barnett (now Chief Compliance Officer, HSBC, barnetterik11@yahoo.com).

Opposing counsel was:

For Defendant Smith. Mr. Thomas Abbenante is now deceased,
<https://www.weremember.com/thomas-abbenante/3r2r/memories>;

For Defendant Smallwood: Frank Salvato, Law Office of Frank Salvato, 1203 Duke Street, Alexandria, VA 22314; Frank_Salvato@hotmail.com; Frank_Salvato@hotmail.com; www.salvatolaw.com; Meghan Suzanne Skelton 1750 Tysons Blvd., Suite 1500, McLean, VA 22102 Meghan@skelton.law; and Ivan Darnell Davis, Office of the Public Defender (now a Magistrate Judge in E.D. VA).

(2) Media General Operations, Inc v. Buchanan

Case No. 02-CA-837

The Honorable Claude M. Hilton for the Eastern District of Virginia, and the 4th Circuit panel of Circuit Judges Widener, Michael, and Williams, sitting by designation, written opinion at 417 F.3d 424 (4th Cir. 2005)
2003 – 2005

I successfully represented the Honorable Theresa Buchanan, United States Magistrate Judge for the Eastern District of Virginia, at the district court and court of appeals levels for her sealing of search warrant affidavits in connection with a national terrorism investigation. This case has become a precedent for sealing court documents.

On March 13, 2002, Judge Buchanan approved search warrants for residences, businesses, and charities in Northern Virginia in connection with a national terrorism investigation. Judge Buchanan also approved the United States' motion to seal the affidavits (over 100 pages) detailing the ongoing investigation. The affidavits were sealed so that the ongoing investigation would not be jeopardized. Media General Operations, Inc., d/b/a The Tampa Tribune and the New York Times filed a writ of mandamus to compel the Magistrate Judge to unseal the affidavits. ABC, Inc., CBS Broadcasting,

NBC, Washington Post, and several other media companies sought to intervene to unseal the records. The Federal district court and the Fourth Circuit Court of Appeals held that the affidavits were properly sealed and needed to remain sealed so that the ongoing investigation would not be jeopardized.

I was lead counsel, and my co-counsel was AUSA Michael J. Elston.

Opposing Counsel was Charles D. Tobin, Holland & Knight, Charles.Tobin@hklaw.com.

(3) *United States v. Calvin Dyess, Eric Dewayne Spencer, Michael Jason Bartram, and Orange Dyess*

Case No. CRIM. 2:99-00012, 293 F.Supp.2d 675 (S.D. W.Va. 2003)

The Honorable Charles Harold Haden II and the Honorable David A. Faber, United States District Court for the Southern District of West Virginia
2003 – 2005

The Fourth Circuit Court of Appeals panel of Circuit Court Judges Widener, Niemeyer, and Gregory, 407 F.3d 307 (4th Cir. 2005); 478 F.3d 224 (4th Cir. 2007)

I was asked by the DOJ Executive Office of U.S. Attorneys to lead a team of AUSAs to preserve one of the largest drug prosecutions in West Virginia. Defendant Calvin Dyess was responsible for 20 kilograms of cocaine, 80 kilograms of cocaine base, and 272.16 kilograms of marijuana, and was sentenced to life imprisonment. Subsequently, however, the U.S. Attorney's Office for the Southern District of West Virginia was disqualified from the case because the prosecutors and employees of the office were potential witnesses regarding new allegations of misconduct on the part of the underlying investigation. Consequently, DOJ needed a new team to take over the case and called me to lead a team of AUSAs to take over the case. AUSA Kim Pedersen, AUSA Michael Elston, and I were appointed Special Attorneys to the Attorney General for this case in or around January 2003.

The case has a complicated (and unusual) set of facts, but the most pertinent facts are these: The DEA working with local law enforcement (as part of a HIDTA task force) investigated a large-scale drug conspiracy in Charleston, West Virginia, from 1995-1999, leading to more than 20 criminal convictions, including drug suppliers from New York. After the conviction of Calvin Dyess and his operation in West Virginia, misconduct on the part of a Charleston Police Detective with the HIDTA task force came to light. Unbeknownst to the U.S. Attorney's Office, the lead investigator had begun a personal and sexual relationship with the wife of the drug kingpin in early 1999. The wife failed a polygraph, which the investigator allegedly hid from the Assistant U.S. Attorney. The wife also claimed that the investigator allowed her to keep approximately \$27,000 in drug assets, suborned perjury—as well as other misconduct.

The defendants claimed that this tainted the entire prosecution and that their convictions and sentences should be set aside. The Fourth Circuit Court of Appeals remanded the case to the district court to determine whether the misconduct affected the convictions and sentences. As the local United States Attorney's Office was disqualified, I was asked

to lead a team of AUSAs to preserve the convictions and sentences.

In order to preserve the convictions and sentences in this important case, we had a special grand jury impaneled. We had an extensive practice before that grand jury. We had several days with over a dozen witnesses that we examined. To give transparency and to demonstrate the reasons for upholding the convictions, the special grand jury produced a grand jury report.

After multiple-day evidentiary proceedings with witnesses before a Federal Judge, the judge ruled in our favor and against ordering a new trial. *See U.S. v. Dyess*, 293 F. Supp. 2d 675 (S.D. W.V 2003); *U.S. v. Bartram*, 407 F.3d. 307 (4th Cir. 2005); *U.S. v. Dyess*, 478 F.3d 224 (4th Cir. 2007). As a result, we were able to preserve the original convictions and even added new charges against the defendants and other conspirators.

I led the team with AUSA Kim Pedersen and AUSA Michael J. Elston, as co-counsel.

Opposing Counsel: Thomas J. Gillooly, Attorney at Law - Charleston, WV
Suite 711 Peoples Bldg 179 Summers St
PO Box 3905 Charleston, WV 25339 – 3905

Dennis Curry, Esq.
P.O. Box 9
Spencer, WV 24276

(4) *U.S. v. Moussaoui*

Criminal No. 01-455-A

The Honorable Leonie Brinkema, U.S. District Court for the Eastern District of Virginia and the 4th Circuit panel of Circuit Judges Wilkins, Widener, and Niemeyer
2003 – 2005

I worked on the team that prosecuted Zacarias Moussaoui for his participation in the al Qaeda plot that culminated in the attacks on September 11, 2001. I mainly worked on a variety of legal issues relating to the media, sealing documents/information, and classification. For an idea of the range of legal issues see *Eyes Tied Shut: Litigating For Access Under CIPA In The Government's "War On Terror,"* (2003/2004), especially Footnote * on page 1, <https://stracherlaw.com/wp-content/uploads/2017/10/Eyes-Tied-Shut.pdf>.

Specifically, I handled issues, such as whether hearings on congressional inquiries affected the fair trial rights of the parties (specifically the Joint Inquiry in Terrorist Attacks of September 11, 2001, House Permanent Select Committee on Intelligence and Senate Select Committee on Intelligence); whether the intervention of the New York Times to unseal the tapes of firemen on 9/11 should be permitted, see <https://coop.vaed.uscourts.gov/moussaoui/dktsheets/docs/67705/0.pdf> and the handling of classified information in a criminal case as well as media access to records, information, and attending portions of oral argument. See <https://uniset.ca/other/cs5/65FedAppx881.html>.

In general, I worked on issues regarding media access to sensitive, protected, and classified information. *United States v. Moussaoui*, 65 Fed Appx 881, 2003 WL 21076836 (4th Cir. 2003).

Co-counsel was AUSA Rob Spencer, rob.spencer@lmco.com; AUSA Michael J. Elston, and AUSA David Novak (now US District Judge EDVA Richmond Div.).

Opposing Counsel was Frank Dunham, Jr., Federal Public Defender; Jay Ward Brown (now at BrownJay@BallardSpahr.com), Thomas Curley, Cameron A. Stracher, Levine, Sullivan & Koch, LLP, Washington DC.

(5) *Turkmen v. Ashcroft*

Case No. 1:02-cv-02307

(see docket under “Defendant John Ashcroft represented by Brian D. Miller” at <https://www.courtlistener.com/docket/4325697/parties/turkmen-v-ashcroft/>), *Elmaghraby v. Ashcroft*, Case No. 1:04-cv-01809 (see docket under “Defendant John Ashcroft represented by Brian D. Miller” at <https://www.courtlistener.com/docket/4318769/parties/elmaghraby-v-ashcroft/>), The Honorable John Gleeson, United States District Judge for the Eastern District of New York, United States Magistrate Judge S. Gold, Eastern District of New York 2002 – 2005
See e.g., 2006 WL 2224492 (E.D. N.Y. 2006).

I represented then Attorney General Ashcroft in his individual capacity from 2002 – 2005.

I was selected to be part of a legal team representing former Attorney General John Ashcroft in his individual capacity in a series of lawsuits filed by individuals detained in connection with the investigation of the events of September 11, 2001.

In the aftermath of the al Qaeda attacks of September 11, 2001, the plaintiffs in the *Turkmen* and *Elmaghraby* cases were detained and held in the Administrative Maximum Special Housing Unit of the Metropolitan Detention Center (MDC ADMAX SHU) in Brooklyn until they were cleared of any connection to terrorism by the FBI and CIA, at which point they were deported. The cases were filed against high-level Bush administration officials: former Attorney General John Ashcroft, former FBI director Robert Mueller, and the former commissioner of the Immigration and Naturalization Service (INS) James Ziglar; as well as the former warden and other Metropolitan Detention Center officials. The complaints claim damages under *Bivens* (the 1971 Supreme Court case of *Bivens v. Six Unknown Federal Agents* permitted Federal officials to be sued for damages for alleged violations of constitutional rights) and damages under 42 U.S.C. section 1985. Defendant Ashcroft was dismissed from the lawsuits.

Co-counsel were AUSAs Larry Gregg, Richard Sponseller, and Dennis Barghaan, Dennis.Barghaan@usdoj.gov.

Opposing Counsel was Rachel Anne Meeropol and various attorneys from the Center for Constitutional Rights.

(6) *United States v. Lawal*

Case No. 1:02CR00260-001

The Honorable Claude M. Hilton for the Eastern District of Virginia and the 4th Circuit panel of Circuit Judges Motz, Traxler, and King, 104 Fed.Appx. 877 (4th Cir. 2004) 2003 – 2005

This was a jury trial and conviction on the use of a false passport and false statements. Lawal made false statements on his application for an airport security badge.

The jury returned a verdict of guilty. Lawal knowingly made false statements to an Immigration & Naturalization Service district adjudications officer that he had never applied for permanent resident status in the United States, when, in fact, he had previously applied under the name of Hakeem O. Dawodu. Lawal also made a false statement to the U.S. Social Security Administration when he applied for a social security number and stated that he had not applied before when in fact he had applied under the name of Hakeem O. Dawadu. Lawal also submitted to the Immigration and Naturalization Service a document purporting to represent a British passport in the name of Hakeem O. Dawadu. The document was not an authentic British passport validly issued to Lawal.

On appeal to the Fourth Circuit Court of Appeals, one issue was whether the trial judge properly allowed evidence of Lawal's admission to a probation officer that he entered the United States using a false name and a "British passport that didn't belong to him."

At trial, I was lead counsel and my co-counsel was AUSA Gordon G. Kromberg (703-299-3720), in the district court, and, in the Fourth Circuit Court of Appeals, I was lead and my co-counsel was AUSA Michael J. Elston.

Opposing Counsel was John O. Iweanoge, Jr., Law Office of John O. Oweanoge, 1026 Monroe St., NW, Washington DC 20017-1760.

(7) *U.S. v. Vineet Chhabra*

Case No. 1:03CR00530-001, 200

The Honorable Leonie M. Brinkema, U.S. District Court for the Eastern District of Virginia 2003 – 2005

I was part of one of the first prosecutions of an Internet pharmacy. See <http://www.washingtonpost.com/wp-dyn/articles/A51115-2004Aug31.html>

This case was part of a larger investigation and prosecution by the Consumer Protection Branch of the Department of Justice. Veneet Chhabra ran an Internet Pharmacy that sold weight-loss drugs, Viagra, Ambien, and some other controlled substances over the

Internet. The Web sites allowed customers to obtain drugs by filling out online questionnaires or through telephone consultations, without ever seeing a doctor in person, as required by federal law. Licensed physicians reviewed the submitted responses to the questionnaires but never examined the applicants.

I negotiated a plea agreement with Chhabra, who pleaded guilty to one count of conspiracy to distribute a controlled substance and was sentenced to 33 months in prison.

I was lead counsel, and co-counsel was AUSA James P. Gillis.

Opposing Counsel was Tom Connolly, HWG, tconnolly@hwglaw.com.

(8) U.S. ex rel. Doe v. X Corp.

Case No. CIV.A.98-47-MC

The Honorable T.S. Ellis, U.S. District Court for the Eastern District of Virginia

2000 – 2001

246 B.R. 817 (E.D. Va. 2000)

I represented the United States. The court ruled that a False Claims Act lawsuit (even before the U.S. has decided to intervene and take over the lawsuit) is within the meaning of the exception to the automatic stay in bankruptcy.

In June 1998, plaintiffs, as qui tam relators for the United States, filed a qui tam lawsuit alleging that the corporation violated the False Claims Act by submitting false claims to the Federal government. In July 1999, while the False Claims Act lawsuit was still pending, the defendant corporation filed for protection under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. section 301 et seq. This would stay the lawsuit unless it falls into an exception to the bankruptcy stay. The district court found that a False Claims Act lawsuit is a proceeding to enforce the government's "police or regulatory power." The district court held that the False Claims Act case may proceed.

Co-counsel: None.

Opposing counsel M. Miller Baker, now a judge on the Court of International Trade, <https://www.cit.uscourts.gov/content/judge-m-miller-baker>.

(9) Crews v. Shalala

The Honorable Richard Williams

U.S. District Court for the Eastern District of Virginia (Richmond Division)

1999 – 2001

Reported at 40 F.Supp.2d 350 (EDVA 1999)

I represented Secretary of HHS, Donna Shalala, in defending the exclusion of an attorney from the Medicare/Medicaid programs. The attorney had been a nursing home administrator participating in Medicare, Medicaid, and HHS programs. The nursing home had a history of patient abuse, and the attorney, who was the administrator of the nursing

home, did not remedy the conditions or curb the abuse. The revocation of the attorney's license to operate a nursing home was to prevent a "danger to the health of the residents." The district judge affirmed HHS' exclusion of the attorney from all HHS programs.

Co-Counsel: None

Opposing Counsel was Peter Mason Mellette.

Principal at Goodman Allen Donnelly

428 McLaws Cir, Suite 200

Williamsburg, VA 23185

(10) U.S. v. Excel

U.S. District Court for the Eastern District of Virginia

1994 – 1996

This was one of the first major cases under the Small Business Innovative Research (SBIR) program for which I received the Director's Award for Superior Performance as an Assistant United States Attorney in 1996. This was a "science fraud" case involving a company (Excel) that had obtained contracts and grants from the National Science Foundation and DoD agencies to do research into the "pulsed laser deposition of thin film substrates." In Excel's applications for the Federal grants and contracts, Excel stated that it had not applied for a grant or contract for this research with any other Federal agency, when, in fact, it had. It was awarded five such contracts and grants and was being paid in full for the same alleged work by each agency (i.e. 5 times).

After issuing subpoenas to the company and the educational institutions connected to the company—and after a search of the facilities, we learned that the chief researcher did not perform the work. He submitted work performed by his research assistants at his university for their own graduate work as "progress reports" of the work allegedly done by Excel. During the search, special agents found on the premises of the company a machine that Excel claimed was a "laser," but it was only a façade designed to fool DCAA auditors.

The New York Times reported on this case identifying it as the largest fraud case of its kind. See "2 Companies To Repay U.S. in Fraud Case," New York Times, December 1995, which quoted the National Science Foundation that "this [the Excel case] was the largest fraud case it had ever identified."

Co-Counsel: AUSA Larry Gregg

Opposing Counsel: (I don't recall, maybe Michael McNulty).

- 16. Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not performed any lobbying work.

In private practice I conducted internal investigations to determine potential liability or culpability of client companies. I was a corporate compliance monitor for a defense contractor and a financial institution. I also served as an expert witness in government contracts and in government investigations. Lastly, I provided internal, privileged advice to many clients when I was in private practice and when I was Senior Associate White House Counsel and acting General Counsel of HUD.

At the United States Attorney's Office for the Eastern District of Virginia, I participated in the management of the office. At times, I met with AUSAs about their cases, reviewed grand jury transcripts to determine whether to continue the case, and reviewed issues of legal ethics. At one point, I believe I was the alternate Designated Agency Ethics Officer (DAEO).

Many of the False Claims Act cases that I handled did not progress to trial. A notable example is the case against the University of Virginia's Medical Center's teaching hospital. The case resulted in a settlement of \$8.6 M. I did not have co-counsel.

Another example of an important case that settled before trial involved an individual in a position of trust abusing the National Science Foundation's reimbursement systems. See "Professor Pays Fine for False Travel Claims," New York Times, November 12, 1995.

U.S. v. Lockhart was an important matter that I handled. An en banc opinion of the 4th Circuit created an element to the crime that is not in the statute, but it was a longstanding and widely followed precedent. I convinced the 4th Circuit panel that the "extra" element went beyond the plain meaning of the language of the statute and corrected the law in this area.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE-278 as provided by the Office of Government Ethics

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of

professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

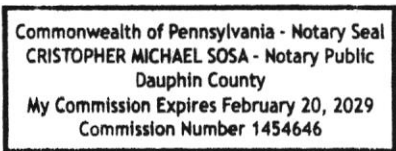
My legal expertise is all government related. As a government lawyer, it would be contrary to professional ethics to represent clients before government agencies. As an Inspector General, it might also create a perception of bias or favoritism that IGs should avoid. Therefore, I have not had opportunities to do pro bono work. I do try to find ways to serve others in non-legal ways through church work and the American Red Cross.

AFFIDAVIT

I, Brian David Miller, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

12/03/2025
(DATE)

[Signature]
(NAME)



[Signature]
(NOTARY)