

FBI Oversight, whistleblower protection

Written by Sen Chuck Grassley
Thursday, 31 March 2011 07:33

- [Buy OEM Autodesk AutoCAD Civil 3D 2013 \(32 bit\)](#)
- [Discount - Lynda.com - Foundations of Photography: Macro and Close-Up](#)
- [Discount - Adobe InDesign CS5](#)
- [9.95\\$ PowerPoint 2007 All-in-One Desk Reference For Dummies cheap oem](#)
- [Buy Excel 2010 All-in-One For Dummies \(en\)](#)
- [9.95\\$ Word 2010 For Dummies cheap oem](#)
- [49.95\\$ Intuit Quicken Rental Property Manager 2009 cheap oem](#)
- [59.95\\$ Microsoft Office SharePoint Workspace 2010 with SP1 \(32-bit & 64-bit\) cheap oem](#)
- [49.95\\$ Intuit Quicken Rental Property Manager 2009 cheap oem](#)
- [Buy Cheap Autodesk AutoCAD 2014 \(32-bit\)](#)
- [Discount - Infinite Skills - Video and Animation with Adobe Photoshop](#)
- [Download Nik Software Color Efex Pro 4 Complete Edition](#)
- [Buy OEM Maplesoft Maple 16 MAC](#)

Prepared Statement of Ranking Member Chuck Grassley

U.S. Senate Committee on the Judiciary

FBI Oversight Hearing

Wednesday, March 30, 2010

Chairman Leahy, thank you for calling this hearing today. Before I get started, I wanted to take a moment to say a public thank you to Director Mueller for his service to the country. This is likely to be the last time he comes before this Committee as the Director of the FBI. While we have had our share of disagreements on a number of issues, I have always appreciated Director Mueller's candor and his willingness to work with us to get answers—even if we don't always agree with what those answers are.

That said, I look forward to raising a number of issues with the Director today. First and foremost, I want to talk about the PATRIOT Act and the need to extend the provisions that are set to expire in May. The three expiring provisions of the PATRIOT Act are important tools

FBI Oversight, whistleblower protection

Written by Sen Chuck Grassley
Thursday, 31 March 2011 07:33

used by federal law enforcement and the intelligence community to investigate national security threats. They are vital to our ability to investigate, identify, track, and deter terrorist attacks. For example, it was recently revealed that the FBI successfully utilized a section 215 order as part of the investigation that prevented a terrorist attack planned by a Saudi national in Texas. In that case it was revealed that the individual in question purchased bomb making materials such as 3 gallons of sulfuric acid, clocks, chemistry sets, and a gas mask from online retailers Amazon.com and eBay. This case is the latest of many examples of the successes of the PATRIOT Act provisions. Given the dangerous threats we face and the fact that the three expiring provisions have not been found to have been abused, the Senate should work to reauthorize the expiring authorities without amendment.

Aside from the critical national security authorities we need to reauthorize, I want to ask Director Mueller about a recent report that was issued by our colleagues in the Homeland Security and Government Affairs Committee. That committee released a report in February entitled, "A Ticking Time Bomb" that examined the tragic shootings at Fort Hood that occurred in November 2009. That report highlighted a number of problems at both the Department of Defense and the FBI and found "systematic failures in the Government's handling of the Hasan case." I was troubled to hear some of the allegations contained in the report including that an analyst on a joint terrorism task force was not provided full access to a key FBI database simply because he was from a non-FBI agency. I want to hear from the Director whether he agreed with some of these key findings, what is being done to correct any deficiencies in the way terrorism cases are reviewed, and whether information sharing has been improved

I also want to ask the Director some questions about FBI employee personnel matters. I have long been concerned about the plight of whistleblowers at the FBI. I appreciate that Director Mueller has made it a priority to instruct all employees of the FBI that retaliation against whistleblowers will not be tolerated. I think this is an important message for employees to hear from the Director. Unfortunately, that directive has not always been followed by agents in the field. I find one case particularly troubling.

In 2007, the [Department of Justice Inspector General issued a memorandum](#) finding that a 30-year non-agent employee of the FBI, Robert Kobus, was retaliated against for protected whistleblowing. The Inspector General found that "FBI Management in the New York Field Division improperly moved Kobus from the position of a senior administrative support manager to several non-supervisory positions." One of those positions included being demoted to OSHA safety officer. The retaliation was blatant and included moving his office to a cubicle on the vacant 24th floor of the FBI office building. The Inspector General ultimately concluded that the decision to move him was in retaliation for disclosing wrongdoing, to the Special Agent in Charge of the Field Office, in this case time and attendance fraud by FBI agents. This is exactly the type of

FBI Oversight, whistleblower protection

Written by Sen Chuck Grassley
Thursday, 31 March 2011 07:33

retaliation against whistleblowers that should never occur

Despite these findings by the Inspector General, the matter was appealed by the FBI to the Department of Justice where the case has now languished for four years. Four years is entirely too long for an employee to wait for an appeal. What makes matters worse is that the underlying allegations occurred in 2005. It is often said that justice delayed is justice denied. In this case that couldn't be any clearer. [I asked the Attorney General about this case a year ago and just received a reply in December](#) that failed to answer why it has taken so long to review the IG's findings. I want to hear from Director Mueller what he thinks about this sort of retaliation and why the agents who retaliated against Kobus were promoted.

The Kobus case raises a number of questions about the Department of Justice's process for investigating and adjudicating FBI whistleblower complaints. So, I am working on a request that I have shared with Chairman Leahy, and I'm hoping we can work together on this, but I want the Government Accountability Office to conduct a top to bottom review of the Department of Justice's process for dealing with FBI Whistleblowers. Delays like the one in the Kobus case send a clear signal to potential whistleblowers that reporting wrongdoing will only land you in an expensive bureaucratic mess. Because the DOJ Inspector General is part of the FBI whistleblower process, I feel it is necessary for an impartial arbiter like GAO to look at things and see what is and isn't working. Given the significant budget deficits we face and the need to cut waste and fraud wherever possible, we can't send signals to whistleblowers that coming forward isn't worth the hassle. I would hope all my colleagues would join me in this request to make sure the process is working.

Another area of concern I have relates to FBI employee misconduct. In January of this year, internal FBI Office of Professional Responsibility documents were leaked to the press. Those documents contained a number of shocking allegations about misconduct committed by FBI employees. For example, the documents detailed FBI agents who were dismissed because they: were arrested for drunk driving, engaged in improper relationships with FBI informants, leaked classified information to reporters, sought reimbursement for expenditures they never made, and in one instance, bringing foreign nationals back into FBI space after hours. These are troubling allegations and I am glad that a number of them were accompanied by the summary dismissal of those employees. However, a couple of the cases raised an old concern I have about whether punishments are handed out uniformly. For example, two of the cases that were reported in the media involved inappropriate relations between FBI agents and sources. One agent was dismissed while another was simply given a 40-day suspension. It appears from the documents that the only difference in the cases was that in one case, the inappropriate relationship also involved improper use of a government vehicle, while the other did not. I want to know more about how these penalties are determined. I think this is

FBI Oversight, whistleblower protection

Written by Sen Chuck Grassley
Thursday, 31 March 2011 07:33

especially important to know in light of the fact that the Inspector General found in a May 2009 report that there is a perception among FBI employees that there is a double standard for discipline between higher ranking and lower ranking employees.

Director Mueller, over the past eight months I have been investigating systemic problems at the Philadelphia Public Housing Authority. Outlandish salaries, sexual harassment settlements, and excessive legal billings just to name a few of the problems. I want to express my appreciation regarding the FBI's ongoing investigation and recent seizure of expensive luggage purchased as gifts by the Philadelphia Public Housing Authority. I hope the FBI follows through vigorously on any criminal violations that may have occurred at the Philadelphia Public Housing Authority.

Finally, I want to ask the Director about the fiscal 2012 Budget request that was submitted to Congress. I continue to have concerns with the FBI's agency-wide case management system known as Sentinel. This project was originally supposed to cost \$400 million and be complete no later than 2010. As it stands today, the prime contractor Lockheed Martin has been removed from the job by the FBI, the project continues, and the projected cost is over \$450 million. I want to know when this is going to end, how much more taxpayer money will be necessary, and how the FBI plans to maintain the older case management database as part of the new system. After a decade of upgrading the system, not another dime of taxpayer money should be awarded until the FBI can prove the system will work and will be done on time.

There is a lot to cover so I look forward to Director Mueller's testimony and his responses to these important matters. Thank you.

-30-