

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
July 28, 2010

STATEMENT OF SENATOR PATRICK LEAHY (D-VT.),
CHAIRMAN, SENATE JUDICIARY COMMITTEE
HEARING ON OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION
JULY 28, 2010

Today the Judiciary Committee hears from Director Robert Mueller of the Federal Bureau of Investigation (FBI) for the fourth time this Congress. We held two FBI oversight hearings last year, and the Director appeared earlier this year to testify about national security issues. We welcome Director Mueller back to the Committee.

Oversight is one of Congress's most important responsibilities, and one that this Committee continues to take seriously. Along with regular appearances from Director Mueller, the Committee has held multiple oversight hearings with Attorney General Holder, oversight hearings with Homeland Security Secretary Napolitano, the heads of key components of the Justice Department, and other senior executive branch officials.

I appreciate Director Mueller's continued openness to oversight and accountability as we work together to ensure that the FBI is able to effectively pursue its critical missions in law enforcement and national security, while maintaining the freedoms and values that define us as Americans. Director Mueller has worked to close the longstanding gaps in responses to written questions, inquiries, and document requests from this Committee. More work remains to be done, but the increased openness and responsiveness from the FBI helps both the Bureau and Congress to do their jobs more effectively.

I also appreciate that the FBI has shown signs recently of real progress on issues vital to this Committee and to the country. Obviously, national security and counter-terrorism are central to the FBI's mission. It has been heartening to see in recent months a series of important arrests of those who would do this country harm. Just last week, the FBI announced the arrest of Zachary Chesser, an American who sought to join a terrorist organization in Somalia. The FBI had been monitoring Chesser for months. It appears from court documents and public statements that in this case, the system worked as it should. Mr. Chesser was watched carefully through court approved surveillance, was placed on the "no fly" list, stopped and questioned as he tried to fly to Africa, and arrested days later. Cases like these reinforce my conviction that criminal investigations and prosecutions are vital weapons in our national security arsenal.

In this Congress, we have made great strides toward more effective fraud prevention and enforcement. I worked hard with Senators Grassley, Kaufman, and others to craft and pass the

Fraud Enforcement and Recovery Act, the most expansive anti-fraud legislation in more than a decade, which the President signed into law last spring.

That important legislation added resources and statutory tools for effective prevention, detection, and enforcement of mortgage fraud and financial fraud. The same bipartisan group of Senators worked hard this year to ensure that the landmark healthcare reform legislation included important new tools for cracking down on health care fraud, and that the historic Wall Street reform legislation the President just signed included key measures to strengthen enforcement of securities fraud and bank fraud.

I am pleased to see that the FBI has been taking full advantage of this heightened support for and focus on fraud enforcement. This spring, the Attorney General told Congress that, in part as a result of the recently passed legislation, the FBI has more than doubled the number of agents investigating fraud.

Since 2007, the Justice Department's health care fraud strike forces have sent more than 205 defendants to prison and have significantly deterred Medicare fraud. Earlier this month, the Department charged 94 defendants with cheating the Medicare system of more than \$251 million dollars in the largest health care fraud sting ever. I congratulate the Director for the FBI's central role in these successful investigations, and I hope the Bureau will remain committed to cracking down on the kinds of fraud that contributed so greatly to our current financial crisis and that has devastated so many hard-working Americans.

Combating corruption has long been another important priority for the FBI. I was very disappointed that the Supreme Court last month undermined these efforts by siding with Enron executive Jeffrey Skilling, and greatly limiting a statute vital to federal efforts to crack down on corruption and fraud. I hope Director Mueller will work with me and with members of this Committee to fix the gaps that the Supreme Court has left in the law.

I have also been heartened to see that the FBI's statistics continue to show reductions in violent crime nationwide despite the painful recession. I commend the FBI on its good work in combating violent crime. I hope that Congress will continue to provide urgently needed assistance to state and local law enforcement since the infusion of federal support in last year's recovery legislation and in the appropriations process has been vital to keeping crime down throughout the country. Areas of major concern remain, however. The FBI continues to struggle with efforts to modernize its technology and information-sharing systems, wasting valuable time and precious taxpayer money. The Sentinel program appears to be the latest in a series of FBI technology initiatives to fail.

I was distressed to learn that the FBI has felt it necessary to suspend work orders and essentially start over yet again. While it is a good sign that the Bureau is taking affirmative steps to take control of the situation, it is alarming that we have again gotten to this point. I hope the Director can assure us there is a plan to get this disastrous project on track once and for all.

I also was distressed to hear press reports this morning about widespread allegations of cheating on a test that is meant to ensure that FBI agents understand the limits on their investigative authorities. I hope the Director can shed some light today on these alarming reports.

I thank Director Mueller for returning to the Committee, for his responsiveness to our oversight efforts, and for his personal example and leadership in returning the FBI to its best traditions. I thank the hardworking men and women of the FBI and look forward to the Director's testimony.

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