

Statement of

The Honorable Chuck Grassley

United States Senator
Iowa
January 18, 2007

Judiciary Committee Hearing
"DOJ Oversight"
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Opening Statement of Senator Grassley

Chairman Leahy, thank you for holding this DOJ Oversight hearing today. As the new Congress begins its work, there is lots of talk about renewed interest in Congressional oversight because of the new Majority. But, oversight shouldn't be a partisan issue. Oversight should be about good government, accountability, and transparency -- things both parties ought to agree on. I have been a long-time advocate of more vigorous Congressional oversight of the Executive Branch throughout my time in the Senate, regardless of whether the Administration is Republican or Democrat and regardless of whether the Congress is Republican or Democrat.

I intend to continue that practice and I'm going to take this hearing as an opportunity to begin by asking the Attorney General about some important oversight issues. My goal isn't to score political points for one party or the other. My goal is to make sure our government is doing what's right and operating efficiently.

The Amerithrax Investigation

As I said in our December hearing with FBI Director Mueller, I am shocked that the FBI and the Justice Department continue to deny Congressional requests for briefings on the Anthrax investigation. Five years with no signs of progress and three years without a briefing to Congress on one of the largest and most important investigations the FBI has ever undertaken is simply unacceptable. There are accusations that FBI agents leaked information to the New York Times, and yet Director Mueller told us in December that no one has been disciplined for those leaks.

I would like to hear from the Attorney General when the Department plans to respond to the questions in my October 23rd letter to him. That letter posed legitimate oversight questions seeking basic information necessary to ensure that Congress can evaluate how its post-9/11 legislation is being implemented. For example, I asked about whether and how often grand jury information gathered during the investigation has been shared with other elements of the intelligence community. A detailed answer to that question is key to understanding whether one of the major mistakes of our pre-9/11 system has been adequately addressed.

Refusing to answer basic questions like these just doesn't make sense. Since the December hearing, 32 other Senators and Congressmen, including several members of this Committee,

joined me in asking the Attorney General to direct the FBI to provide a comprehensive briefing on the status of the investigation. We haven't received a reply.

DOJ Oversight Training

I also have questions for the Attorney General on the Justice Department's activities in training other agencies on how to respond to Congressional oversight requests. I understand that the Office of Legislative Affairs at DOJ has been conducting some of these sessions, and frankly, I'm concerned about what that means for the ability of Congress to get access to the documents and witnesses it needs to do the everyday business of Congressional oversight. The DOJ Office of Legislative Affairs has been the source of unnecessary and inappropriate foot dragging in many of my oversight efforts over the years. That sort of attitude should not be allowed to infect other agencies as well. Therefore, I've asked the Attorney General to provide copies of the training materials and explain the nature of the program, so that we can ensure that agencies are receiving accurate information about history and precedents that govern Congressional access to information. Unfortunately, I have not received a response. To be fair, any such training should include materials and input from experts in Congressional oversight that address issues from the Legislative Branch perspective as well as the Executive Branch perspective.

False Claims Act

Today's hearing also affords an opportunity to ask some detailed questions of Attorney General Gonzales regarding the False Claims Act. The False Claims Act represents this nation's number one tool for fighting fraud, waste, and abuse of taxpayer dollars by allowing qui tam relators to act as private attorney's general and recover money on behalf of the government. As the principal author of the 1986 revisions to the False Claims Act, I take pride in the fact that the FCA has recovered nearly \$18 billion of taxpayer money that otherwise would have been lost.

Based upon the success of the 1986 amendments, I authored a provision in the Deficit Reduction Act of 2005 which created an incentive for states to pass their own version of the false claims act. It is my hope that states will take advantage of this incentive and pass an act that meets the qualifications. Working together, states and the federal government will be able to uncover even more money that would have slipped through the cracks, cost the taxpayers, and lined the pockets of wrongdoers. I look forward to discussing the FCA and the new state FCA incentive with Attorney General Gonzales.

Antitrust Enforcement

In addition, I've been concerned about concentration in agriculture for quite some time. In fact, just this past September, I wrote a letter to the Antitrust Division expressing my serious reservations with the proposed merger between Smithfield Foods and Premium Standard Farms.

I'm concerned about reduced market opportunities, possible anti-competitive and predatory business practices, and increasing agribusiness consolidation. For example, in the pork industry, expanded packer ownership of hogs, exclusive contracting and captive supply are adversely impacting the ability of small independent producers and family farmers to compete in the

marketplace. I'm concerned about fewer competitors, vertical integration, as well as less choice for consumers.

So I wasn't particularly happy when a January 8, 2007 Legal Times article questioning the Antitrust Division's merger enforcement record was brought to my attention. I will want assurances that the Justice Department is doing all it can to enforce the antitrust laws, by challenging problematic deals, as well as being aggressive in going after anti-competitive business practices. The Justice Department must be pro-active in policing anti-competitive activity not just in the agriculture industry, but all other industries.