

Testimony

Of

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“Blowing the Whistle on Retaliation: Accounts of Current and Former Federal Agency Whistleblowers”

Chairman Johnson, Ranking member Carper, and distinguished members of the committee, I appreciate the opportunity to appear before you to address the issues of retaliation by agency officials after disclosing gross mismanagement, waste and fraud. You have demonstrated that the committee understands the importance of this issue and obstacles surrounding government employees who've become Whistleblowers. I'd like to say retaliation has remained at a local level, however it's becoming systemic which is directly reflected in the report of survey.

I'm a Senior Special Agent (GS13-5), with (DHS-HSI). During my time with HSI I've been responsible for investigating large trans-national organized crime groups involved in money laundering, narcotics and bulk cash smuggling. I've investigated cases that led to successful prosecutions related to bank/wire fraud, fugitives, gangs, benefit/document fraud and other crimes against the United States. I won't bore this committee with awards and accommodations I've received throughout my career, but I will say that I've received some of the highest honors and awards from the department and my OPM file reflects yearly promotions with achieved and exceeded expectation with regards to work performance. I've been allowed to travel to at least eight countries to meet with attaché offices, foreign police and officials; in addition the agency has allowed me to travel throughout the U.S. and Washington D.C. to train and facilitate investigation on new and emerging crimes that effect the national security and commerce in America.

In 2013, after disclosing gross mismanagement, waste and fraud that threatened the general public's safety, National Security Risks and public corruption surrounding an EB-5 project, I was subjected to a significant amount of harassment and retaliation. With the approval of my chain of command, I began investigating an EB-5 Regional Center and a US investor. Some of the violations I was investigating surrounding this EB-5 project include Title 18 statutes; Major Fraud, Money Laundering, Bank and Wire fraud. In addition, I had discovered ties to Organized crime and high ranking officials and politicians, who received large campaign contributions that appeared to have facilitating the EB-5 project. I disclosed to my management and later the Office of the Inspector General, specific examples of National Security Risks associated with the EB-5 program and the project under investigation. Some of those security risk coincided with what the CIA, SEC and FBI have also reported.

During the course of my investigation, I discovered that EB-5 applicants from China, Russia, Pakistan and Malaysia had been approved in as little as 16 days and in less than a month in most. The files lacked the basic and necessary law enforcement queries, and that was evident

by the Regional Centers SOF's and applicant's I-526's. I found over 800 operational EB-5 Regional centers throughout the U.S. This is a disturbing number, since the U.S. only allows 10,000 applicants per year. I could not identify how USCIS was holding each regional center accountable. I was also unable to verify how an applicant was tracked once he or she entered the country. In addition, a complete and detailed account of the funds that went into the EB-5 project was never completed or produced after several request. During the course of my investigation it became very clear that the EB-5 program has serious security challenges.

This was all reported to my chain of command. From the on-set of the investigation, my first line supervisor began to get complaints from outside agencies and high ranking officials. As a result I was removed from the investigation, a shoddy follow-up review was conducted and then in 2013, ultimately, the investigation was shut down. This was after my chain of command was threatened with a congressional complaint.

Shortly after, I was escorted by three supervisors from my desk and out of my permanent duty station. I was not permitted to access my case file or personal items. I was alienated from my friends and colleagues, who were told by management to steer clear of me since I was facing criminal charges. I was removed from my permanent duty station and initially assigned to an office over 50 miles from my home and family, in direct violation of Title 5.

My weapon and credentials were taken (against the agencies firearms policy), my government vehicle was confiscated, and access to the building and all government databases was revoked. I was told I couldn't own or carry a personal weapon, a violation of my constitutional rights. My salary was affected when step increases were not corrected. I've been placed AWOL on six separate occasions, four of which were during my meetings and interviews with OIG and OSC. Two were after I was removed and sent over 50 miles from my permanent duty station and while I was on intermittent Family Leave for the adoption of my two youngest girls. I almost lost my youngest child, when an adoption social worker tried to verify employment and was told I had been terminated by the agency for a criminal offense.

I report to a building that houses inmates, where parolees report and in an area that has the highest homicide and transient population in the U.S. I'm continually placed in dangerous situations with no way to protect myself or partners, an example is the recent greenlights to Law Enforcement, the "Day of Rage," and Immigration protests outside our offices. I am monitored by management, who has been instructed to give daily reports to the SAC. A background check that had been completed, was re-opened. Management has willfully obstructed me from competing for a promotion and injured my prospect to promote. I have not been allowed any training, the DSAC, has stated the agency will not waste money on agents they plan to terminate.

Lastly, after being contacted by the Office of the Inspector General on the EB-5 case and designated a witness, the agency falsely accused and charged me with one count of misconduct and another for lack of candor, during a border enforcement operation from four years ago. The government exhibits sent by the local OPR office; were sent to disciplinary panel (DAAP) for review. OPR claimed I had contacted an informant over 2000, after being instructed not to, and that I had failed to notify my management of a canine alert to narcotics. The result was a recommendation for termination. Both allegations have proven to be unfounded, and yet I still even as recently as June 5, 2015, had to report to OPR for additional inquiries regarding the operation 4 years ago. (this is after the telephone number for the CI was confirmed to by my mother's telephone number and after several interviews that proved the canine did not alert).

OPR produced an inaccurate and bias report in an attempt to terminate my employment, and remained in contact with the same chain of command who shut-down the EB-5 case. This is a direct conflict of interest and it violates OPR's mission. The 2011 complaint was used after the agency was unable to substantiate any allegations against me and as a tool to ensure that I could not testify for the OIG or continue the investigation into the EB-5 program. There was NO evidence that had been discovered by OPR or management that would substantiate my removal as an agent; nothing that merited being walked out of my office and stripped of my gun/credentials/database access/GOV and Equipment. This was done BEFORE OPR had completed their investigation into an administrative allegation and almost immediately after my SAC was threatened with a congressional complaint.

There are NO policies in place, which limit the disciplinary action against agents. Agents are placed on administrative restrictions for years at a time, which is gross mismanagement and a waste when these agents are needed to support cases and protect the U.S. I was slandered to the point that I couldn't perform my job, because of malicious and false gossip. The time and happiness with my family has been taken and a huge expense added to the household in legal fees.

It's demoralizing too myself and agents to have directors and senior leadership, bury their heads in the sand, and ignoring the reports of undue influence, the survey that clearly identify agents wanting to do their jobs, but being unable to because of our leadership. It condones and encouraging bad behavior within the Department of Homeland Security. I'm here inform the committee at an agent level, of the retaliation problems surrounding one of the largest investigative branches of the federal government. The merit system principles need to be enforced within the agency and agents/officers need to be valued by management, not punished when they disclose factual and important information to our leadership.

If HSI's fails because of retaliation and low morale, agents will continue to leave the agency; the U.S. government will lose invaluable tools and personal with the knowledge to investigate everything from Title 8 to Title 31 violations of the United States Code. We will lose the multinational and international resources of attaché office and specialized units attached to ICE. Resources that have been active from the inception of the Customs service in 1789 and the formation of the INS in 1891. I'd like members of this committee to think long and hard about what the will happen if HSI continues to lose valuable personnel with countless years of experience in both Legacy Immigration and Legacy Customs investigations. Can the U.S. really afford to lose the largest border enforcement and investigative unit? The disciplinary system and protection of your assets needs to be addressed. It is resulting in whistleblower activity, retaliation and low moral; it needs to be corrected or ICE will lose its knowledgeable workforce and be unable to fully execute its mission.

In closing, it's important to have agents at the frontline, coming forward on issues that affect the safety of our nation. To this committee I look forward to listening to your insight and answering any questions you may have, I can give you an agent's perspective with the hope the dialogue will be continued in the future. Thank you again for the invitation and interest on this and other important issues.