

United States Senate

WASHINGTON, DC 20510

The Honorable Elaine Kaplan
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20036
202-653-5151
By Facsimile

March 10, 2003

Dear Ms. Kaplan,

Diane Kleiman, a former Customs Special Agent in the New York Office, filed whistleblower complaints with the Office of Special Counsel (OSC) on November 11, 2001. She alleges that her managers engaged in prohibited personnel practices, and that they failed to disrupt criminal activities that jeopardized security at JFK airport in New York.

In the Spring of 2002, the Senate Finance Committee (Committee) opened an investigation into Ms. Kleiman's allegations. In June 2002, the Committee contacted your office and inquired into the status of Ms. Kleiman's OSC investigation. At that time the Committee was advised that Ms. Kleiman's investigation would be given the highest priority.

Nine months have passed since your office assured the Finance Committee that Ms. Kleiman's case would receive high priority. As of today, it is our understanding that the investigation is not yet complete.

In light of the seriousness of the allegations, the time that has elapsed since this matter was brought to OSC's attention, as well as our interest in seeing that the case be reviewed in a timely manner, Mr. Ed Wallace of the Finance Committee will be contacting your office by Friday March 14, 2003. At that time we would appreciate receiving, to the extent possible, a date certain for completion of the Kleiman investigation. In addition, we would appreciate receiving a detailed briefing on the Kleiman investigation promptly upon its completion.

Thank you in advance for your attention to this matter and should you have any questions regarding this matter please do not hesitate to contact Ed Wallace of the Senate Finance Committee, Matt Reed of the Senate Judiciary Committee or Maurice Perkins of the Senate Banking Committee.

Sincerely,



Chairman Richard C. Shelby
U.S. Senate



Chairman Charles E. Grassley
U.S. Senate