

**Statement of Glenn A. Fine
Inspector General, U.S. Department of Justice
before the
Senate Committee on the Judiciary
concerning
"Oversight of the Federal Bureau of Investigation"**

May 2, 2006

Mr. Chairman, Senator Leahy, and members of the Committee on the Judiciary:

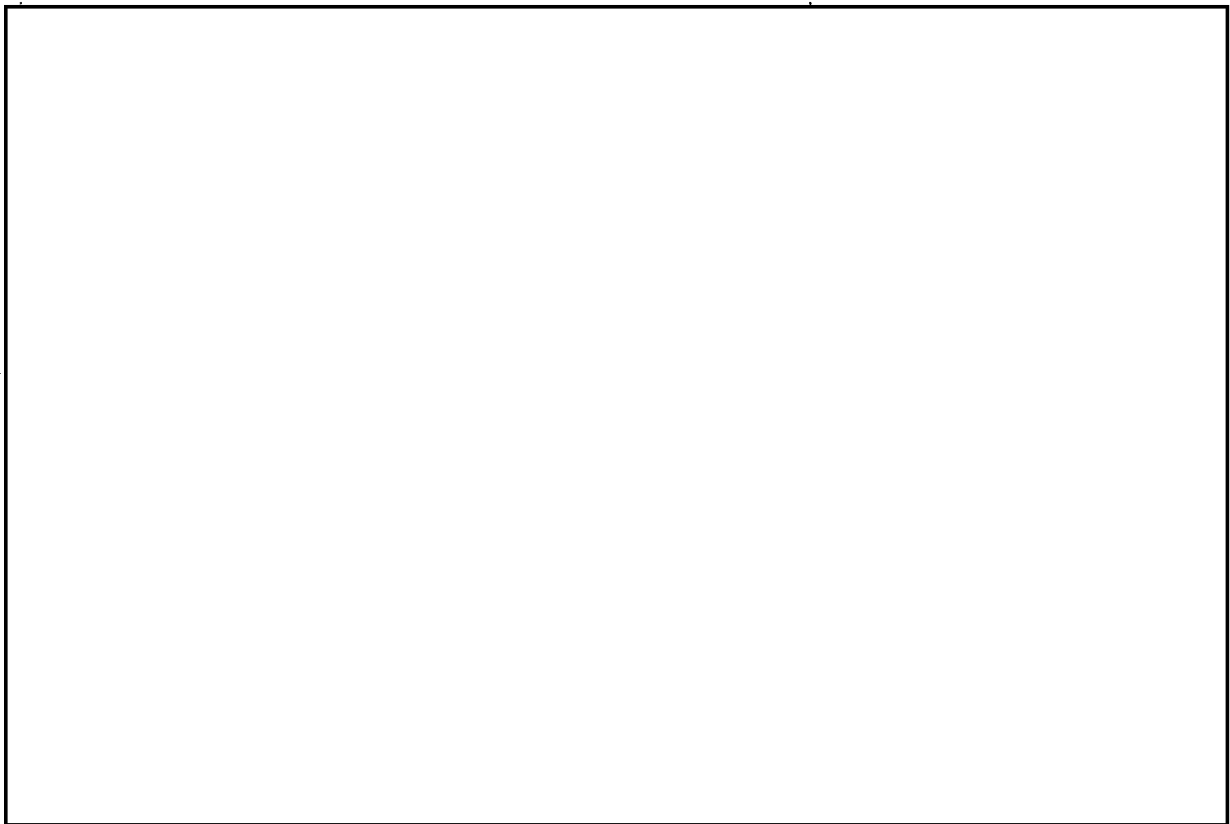
Thank you for inviting me to testify about the Office of the Inspector General's (OIG) oversight work related to the Federal Bureau of Investigation (FBI). As the FBI continues its transformation after the September 11 attacks, the OIG continues to devote extensive resources to examining FBI programs and operations. We have conducted many reviews in critical areas, including the FBI's efforts to upgrade its information technology systems (IT); its hiring, training, and retention of critical employees; its efforts to share information with its federal, state, and local law enforcement and intelligence partners; its allocation of investigative resources; its counterespionage and internal security challenges; and its management of the FBI laboratories. In addition, we continue to review allegations of civil rights and civil liberties abuses involving FBI and Department employees.

In this written statement, I first will make several general comments on the key challenges that the FBI continues to face. I will then describe in more detail reviews the OIG has conducted related to these issues. I base my general comments on the numerous FBI reviews conducted by the OIG, as well as my more than 11 years in the OIG reviewing FBI programs, the last 5½ during which I have served as the Inspector General.

When assessing the FBI, I believe it is important first to acknowledge the dedication and talent of its employees. The FBI attracts patriotic individuals who are committed to the FBI's important mission. These employees deserve recognition for the sacrifices they make in carrying out their critical responsibilities.

Their task is difficult, and the FBI is under regular and probing scrutiny by Congress, the OIG, and other oversight entities. That is as it should be. Given the importance of its mission and the impact the FBI has on safety, security, and civil rights in the United States, such scrutiny is warranted. But I have found that its leaders, particularly Director Mueller, understand the value of such independent scrutiny.

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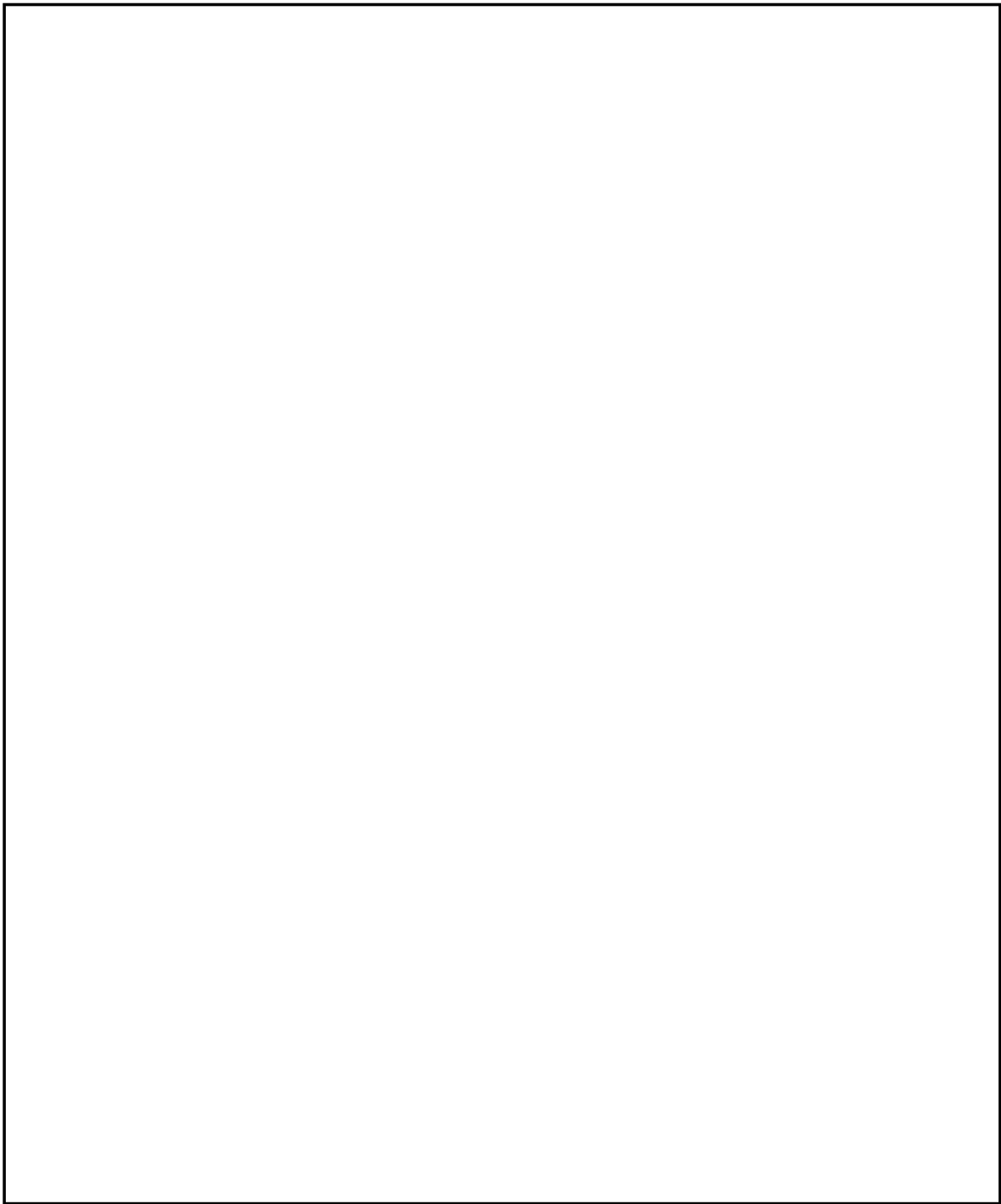
A second challenge for the FBI is to aggressively pursue its law enforcement and intelligence-gathering missions while at the same time safeguarding civil rights. Pursuant to the OIG's responsibilities under Section 1001 of the Patriot Act, the OIG has investigated allegations of civil rights and civil liberties abuses, and we have also performed various reviews to assess whether the FBI is complying with guidelines that regulate its investigative activities. Examples of recent OIG reviews touching on civil rights and civil liberties include our review of the FBI's compliance with the Attorney General's investigative guidelines, our review of reports of possible intelligence violations forwarded to the President's Intelligence Oversight Board, and our review of the FBI's interviews of protesters connected to the 2004 Democratic and Republican National conventions. Currently, we are conducting other reviews relating to civil rights issues, including the FBI's use of National Security Letters and subpoenas for records under Section 215 of the Patriot Act.



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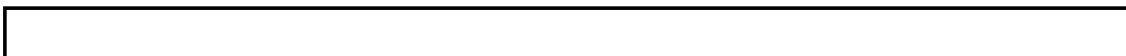


6. The FBI's Use of Certain Patriot Act Authorities: As required by the USA Patriot Improvement and Reauthorization Act of 2005 (Reauthorization Act), the OIG is reviewing the FBI's use of two authorities amended by the Patriot Act: (1) the FBI's authority to issue National Security Letters to obtain certain categories of records from third parties, including telephone toll and transactional records, financial records, and consumer reports; and (2) the FBI's authority to obtain business records from third parties by

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applying for ex parte orders issued by the Foreign Intelligence Surveillance Court pursuant to Section 215 of the Patriot Act.

The Reauthorization Act directs the OIG to review the extent to which the FBI has used these authorities; any bureaucratic impediments to their use; how effective these authorities have been as investigative tools and in generating intelligence products; how the FBI collects, retains, analyzes, and disseminates information derived from these authorities; whether and how often the FBI provided information derived from these authorities to law enforcement entities for use in criminal proceedings; and whether there has been any improper or illegal use of these authorities. See Sections 106A and 119 of the Conference Report No. 109-333 (December 8, 2005). Our reviews, which we have recently begun, will include examination of FBI investigative files, interviews of FBI and other DOJ officials, and visits to FBI field offices.

Outside the Scope



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CONCLUSION

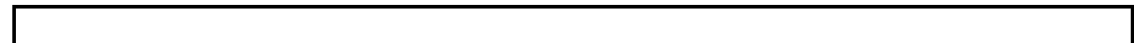
In sum, while the FBI has made progress in addressing its changed priorities since the September 11 terrorist attacks, significant challenges and deficiencies remain, as various OIG reports have found. The FBI needs more improvement in critical areas such as upgrading its IT systems; balancing aggressive pursuit of its law enforcement and intelligence-gathering missions while safeguarding civil rights; hiring, training, and retaining skilled employees in a variety of critical occupations; sharing information effectively within and outside the FBI; monitoring its allocation of resources between its law enforcement and intelligence functions; maintaining vigorous internal security and counterespionage efforts; and ensuring the reliability of its scientific methods. These are not easy tasks, and they require constant attention and oversight. To assist in these challenges, the OIG will continue to attempt to conduct vigorous oversight of FBI programs and provide recommendations for improvement.

This concludes my prepared statement, and I would be pleased to answer any questions.

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