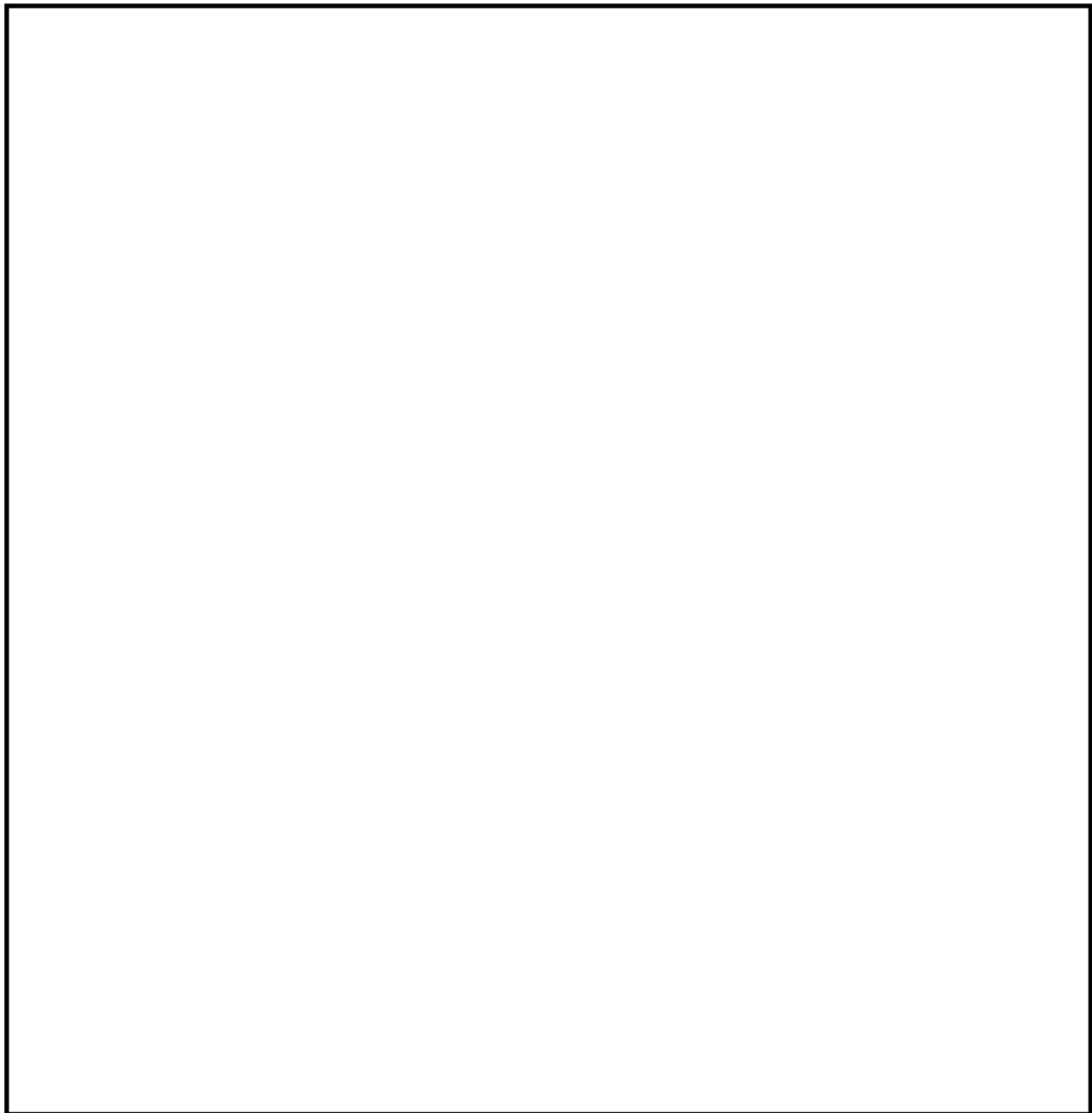


CQ CONGRESSIONAL TRANSCRIPTS  
Congressional Hearings  
March 30, 2011 - Final

Outside the Scope

## Senate Judiciary Committee Holds Hearing on FBI Oversight

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[REDACTED]

GRASSLEY:

I would take a moment to publicly thank you, Director Mueller, for your service to America. And I do that just in case this might be the last time as director of the FBI you're before this committee. But I'll bet you, after you're in private life, you'll be asked to testify on various things before Congress in that capacity because of your experience.

While we have had our share of disagreements, Director Mueller, I've always appreciated your candor and your willingness to work with us to get answers even if we don't always agree with what those answers are.

For instance, I know there's a lot of agreement between you and me on the need to extend the Patriot Act provisions that are set to expire in May.

The three expiring provisions of the Patriot Act are very important tools used by law enforcement and the intelligence community to protect us from threats to our national security. They're vital to our ability to investigate, identify and track and deter terrorists.

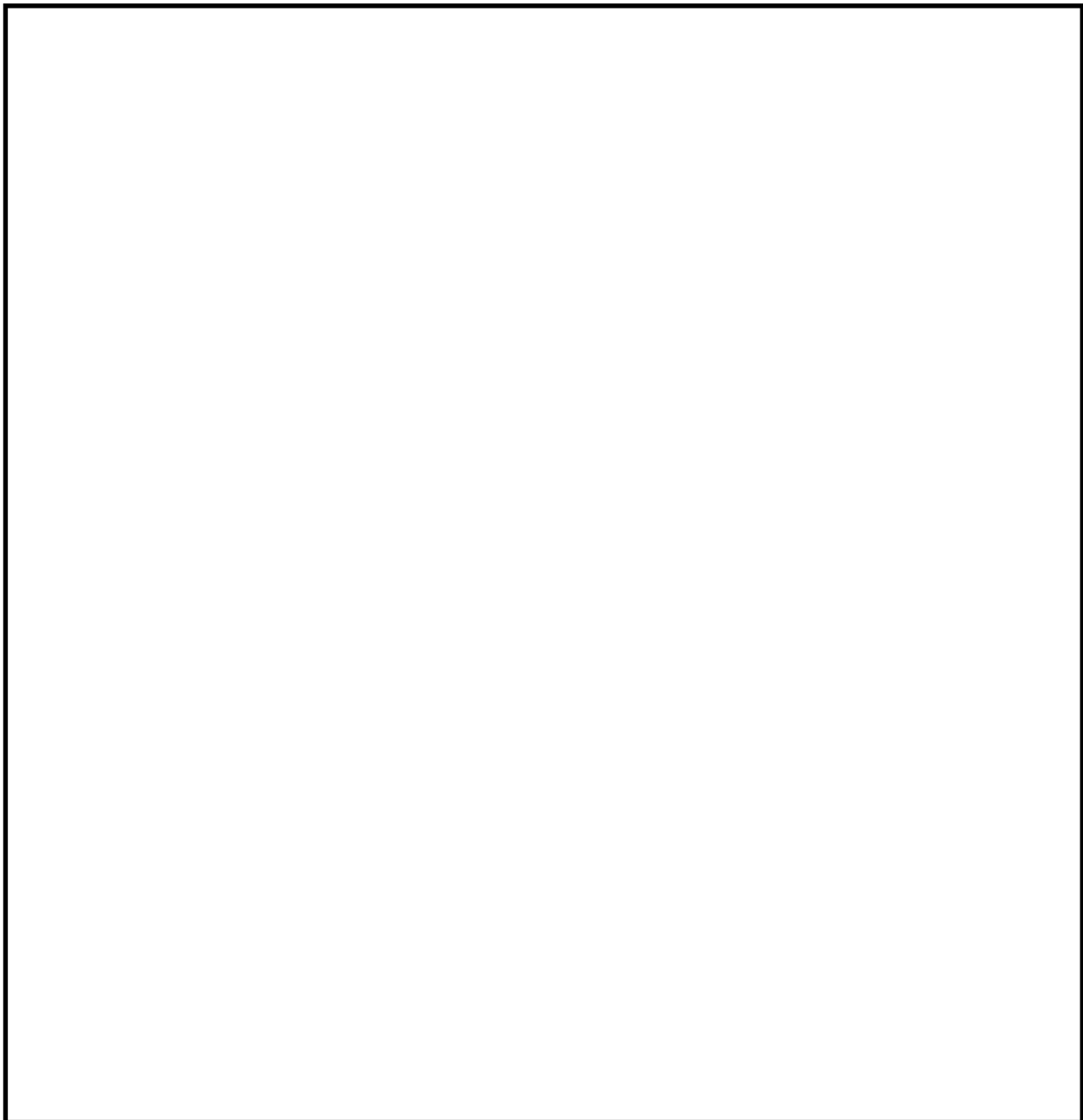
It was recently revealed that the FBI successfully utilized a Section 215 order as part of the investigation that prevented a terrorist attack planned by a Saudi national in Texas.

In that case it was revealed that the individual in question purchased bomb-making materials, such as three gallons of sulfuric acid, clocks, chemistry sets and a gas mask from online retailers Amazon.com and eBay.

This case is the latest of many examples of successes of the Patriot Act provisions and your successful use of that.

Given the numerous threats we face and the fact that the three expiring provisions have not been found to have been abused, the Senate should work to reauthorize the expiring authority without amendment.

Outside the Scope





MUELLER:

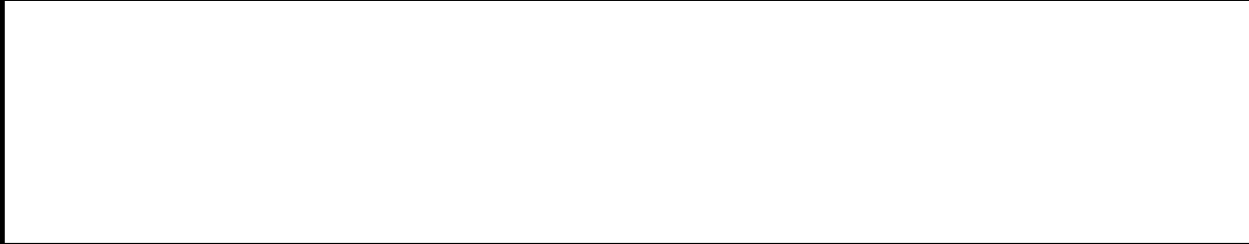
Let me briefly discuss two areas where Congress can help the FBI with its mission.

First, you (ph) do encourage Congress to reauthorize the three FISA tools that are due to expire later this spring. The roving Internet -- intercept authority is necessary for our national security mission, and provides us with tools similar to what we use in criminal cases already, and have used for a number of years.

The business records authority permits us to obtain key documents and data in our national security cases, including in our most serious terrorism matters.

And the lone wolf provision is important to combat the growing threat from lone offenders and home-grown radicalization.

These authorities, all of which are conducted with full court review and approval, are critical to our national security.



GRASSLEY:

Director Mueller, I'm going to start out with a question or two that probably you touched on in your testimony, but I think it's important that we get answers to specific questions. It's in regard to the Patriot Act.

And you know the three provisions that are expiring. Do you agree that these three provisions should be made permanent?

MUELLER:

Yes, sir.

GRASSLEY:

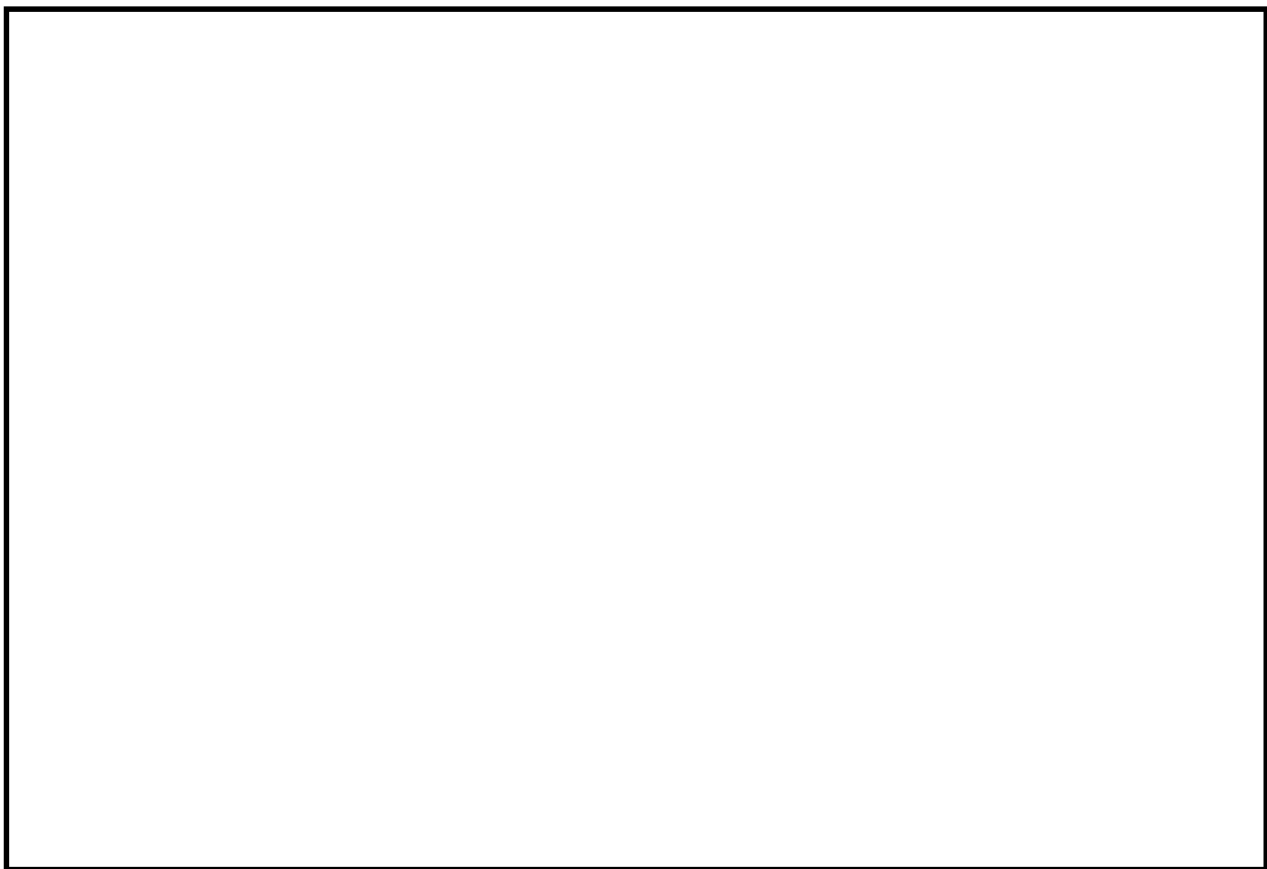
Have these three tools been useful to the FBI to prevent terrorists attacks on our country?

MUELLER:

They have. Let me, if I briefly can mention the business records provision has been used over 380 times. You alluded to an instance where it was used recently. It's absolutely essential that we have the ability to gather these records through that provision,

whether it be for identifying intelligence officers from other countries.

These records enable us to get hotel records, travel records and the like. And without that capability, we would -- would be -- it would be difficult to develop the cases and the investigations in that arena, as well as the counterterrorism arena, without this provision.



GRASSLEY:

I think that your answer shows that if these provisions were not reauthorized or if they were substantially weakened by including new requirements, that it would be detrimental to the agents in the field. Would that be a correct assumption?

MUELLER:

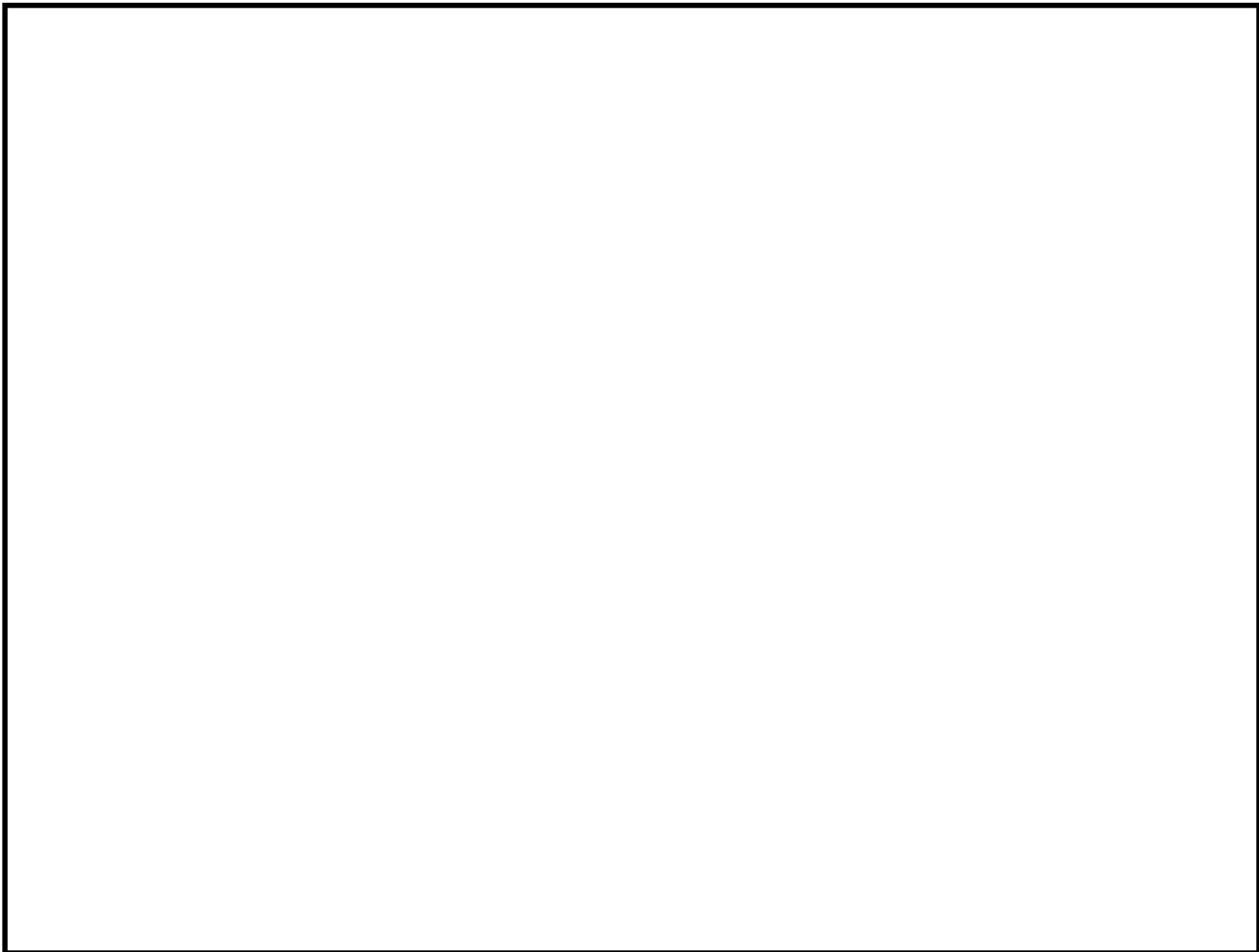
Yes, sir.

GRASSLEY:

And do you -- I kind of, from your point of view, whether any of these provisions have been subject to any negative reports of finding abuse?

MUELLER:

I'm not aware of any.





CQ Transcriptions, March 30, 2011

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WITNESSES:

FBI DIRECTOR ROBERT MUELLER

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