

**Digest of Director's Hearing
Before the House Judiciary Committee
March 16, 2011**

On Wednesday, March 16, 2011, the House Judiciary Committee held a hearing on FBI Oversight. Director Mueller was the only witness. Twenty Members attended the hearing.

Outside the Scope

Chairman Lamar Smith (R-TX):



PATRIOT – With regard to the PATRIOT Act, Chairman Smith asked what would happen if the three expiring provisions are not made permanent. The Director responded that 215 is an important authority that has been used over 300 times since 2001. Roving wiretaps reduce manpower burdens and are already available on the criminal side. The lone wolf provision allows us to obtain a FISA warrant on an individual who is a terrorist but whose affiliation with a particular group cannot be proven (such authorities would have enabled the FBI to review Moussaoui's laptop).



Ranking Member John Conyers (D-MI):



Congressman James Sensenbrenner (R-WI):



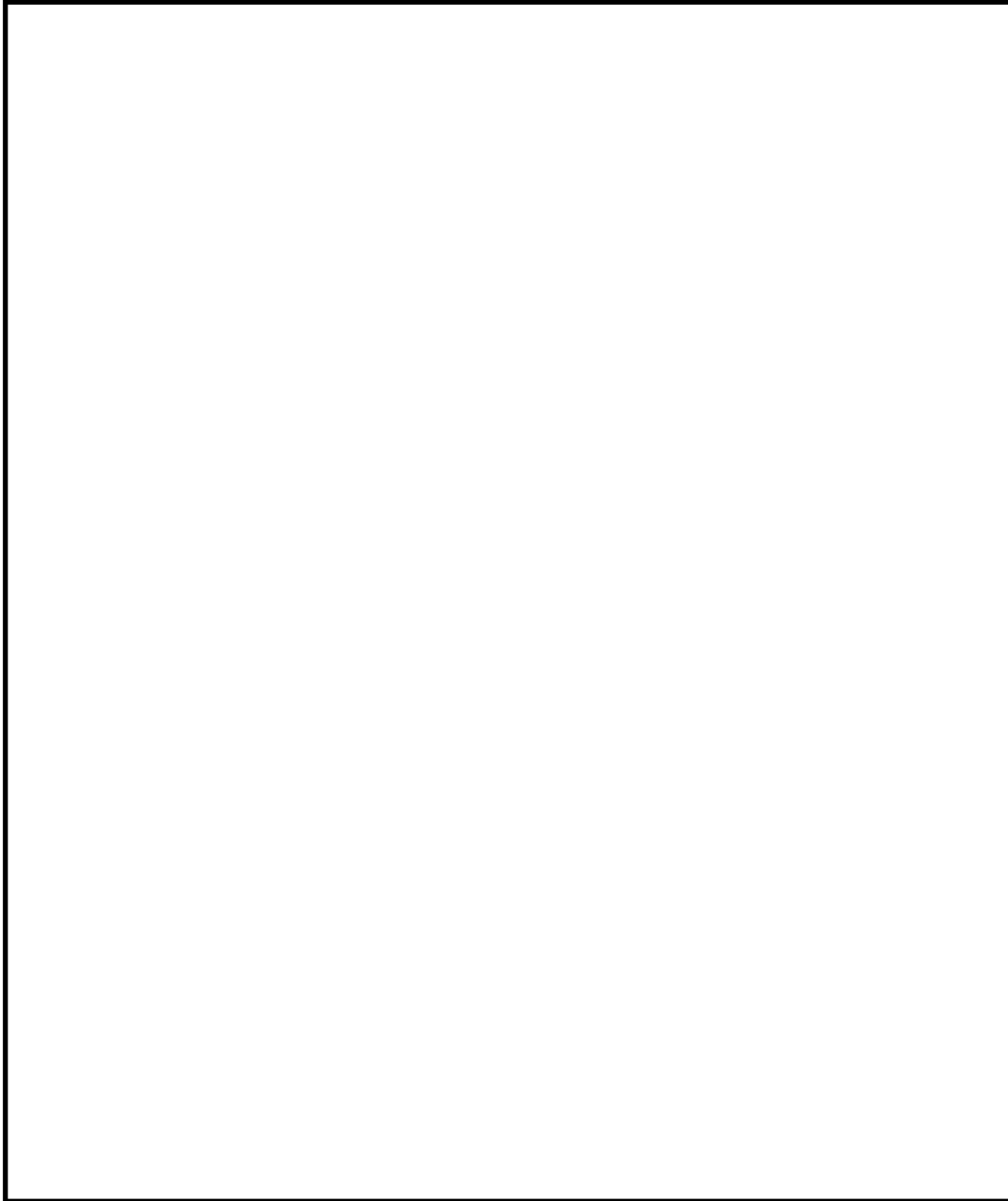
Congresswoman Maxine Waters (D-CA):



Congressman Dennis Ross (R-FL):

PATRIOT – Congressman Ross asked what the FBI’s recourse would be if roving wiretaps were not reauthorized. The Director responded that the FBI would have to continuously return to the court each time new information was received that the person in question had thrown away a cell phone (likely each day). This process would, in turn, result in Agents missing numerous conversations and potentially useful information. When asked if he has met any resistance with regard to 215 records, Director Mueller stated that there have been pockets of resistance. For example, the FBI may be given some information, but not the information to which we believe we're entitled under the National Security Letter provision, which requires us then to go to the 215 proviso to obtain the records – another time-consuming process.





Congressman Marino (R-PA):

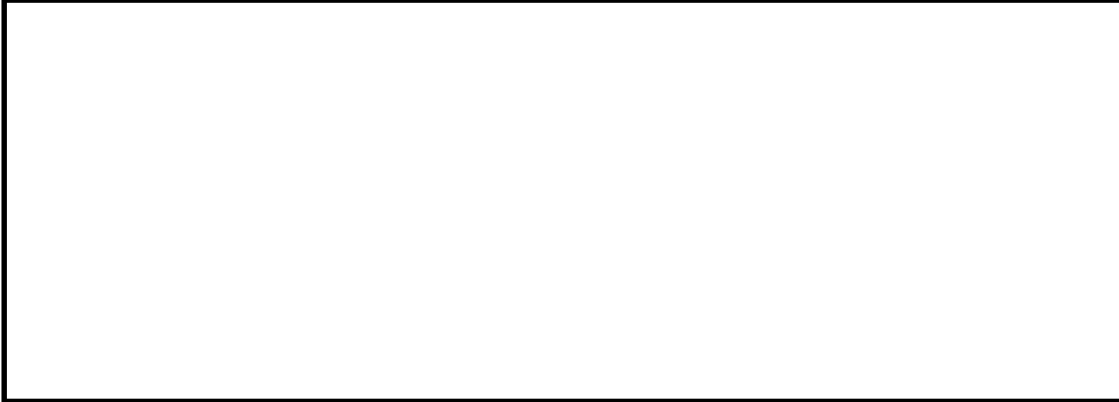
PATRIOT – With regard to the Senate’s use of the term ‘specific facts’ required for National Security Letters (NSLs) and 215 records, Congressman Marino wanted to know if either the FISA Court or the FBI had defined the term. Director Mueller responded that neither has defined the term and he prefers reauthorization of the provisions without the introduction of confusing phrases and terms. When asked if the interpretation of same at some point in the future could open the door to future Office of Inspector General (OIG) reviews of whether or not facts were specific enough, the Director stated that the

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FBI works very closely with the OIG. However, that is certainly a possible outcome that would have to be worked out between the FBI and OIG.

Outside the Scope

Congressman Louie Gohmert (R-TX):



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