

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
United States Senate  
December 14, 2011

Today the Judiciary Committee hears from Director Robert Mueller of the Federal Bureau of Investigation. This is the Director's third appearance before this Committee this year. I thank Director Mueller once again for agreeing to put his life on hold when called upon by the President earlier this year to continue to serve as FBI Director. His commitment and dedication to service are exemplary. The Bureau plays an integral role in protecting our Nation's security through its counterterrorism investigations and intelligence gathering. Its work has contributed to more than 400 convictions in terrorism cases since September 11, 2011. Knowing this, I remain deeply concerned about a provision of the National Defense Authorization bill that would mandate-mandate-the military detention of certain terrorism suspects, even if they are arrested on U.S. soil. Director Mueller has written that this provision would adversely impact the Bureau's ability to conduct counterterrorism investigations and inject "a substantial element of uncertainty" into its operations. I appreciate what Director Mueller meant when he wrote that the misguided provision fails to take into account "the reality of a counterterrorism investigation." Congress needs to do more to support important law enforcement efforts. We should give law enforcement the appropriate tools to combat the growing threat of cybercrime. More and more, American consumers and businesses are being targeted by sophisticated cyberattacks designed to steal their most sensitive information. In September, this Committee again voted for the Personal Data Privacy and Security Act, S.1151, which is long overdue legislation that will provide tools to help law enforcement combat cybercrime. The Senate and the Congress should promptly pass this measure. In the last Congress, we made great strides toward more effective fraud prevention and enforcement. I worked hard with Senators on both sides of the aisle to craft and pass the Fraud Enforcement and Recovery Act, the most expansive anti-fraud legislation in more than a decade. We enacted important anti-fraud provisions as well as part of both healthcare and Wall Street reform legislation. I am pleased to see that the FBI has greatly increased the number of agents investigating fraud, leading to more fraud arrests and greater fraud recoveries. This year, I introduced the Fighting Fraud to Protect Taxpayers Act, which redirects a portion of the fines and penalties collected from wrongdoers back into fraud enforcement efforts. This bill would lead to substantial recoveries, paying for itself many times over. This Committee voted for the bill more than six months ago. The Senate and Congress should pass this bill without further delay to give law enforcement the resources and tools they need to crack down on fraud. I commend the FBI for also maintaining its historic focus on combating corruption. I have worked to develop bipartisan, bicameral anti-corruption legislation, the Public Corruption Prosecution Improvements Act. I have also worked on the Civilian Extraterritorial Jurisdiction Act, which would hold accountable American contractors and employees abroad who engage in corruption and contracting fraud. At a time when anger at corporate wrongdoing, greed, and corruption is at an all-time high, Congress should act promptly to give the FBI and other Federal law enforcement the tools they need to reign in fraud and corruption. These measures have been sent

by this Committee to the Senate. The Senate and the Congress should pass the Public Corruption Prosecution Improvements Act, S.401, and the Civilian Extraterritorial Jurisdiction Act, S.1145. In each of these matters, we should not let partisanship get in the way of helping law enforcement agencies do their jobs as effectively as possible. Too often these days, whether it is Senator Whitehouse's bill, S.1793, to make sure the FBI can respond to requests from local officials to provide help investigate violence crimes, Senator Blumenthal's bill, S.1794, to close a gap in the law with respect to the authority of the Secret Service, or our bill, S.1792, to ensure that the U.S. Marshals upon request can provide timely assistance in missing children cases, obvious measures are being delayed for no good purpose. I wish we all respected our law enforcement and national security agencies more and gave them the support they need and deserve. Instead, too many seem interested in tearing them down and undermining them at all levels. I thank Director Mueller for returning to the Committee, for working with us, and for his responsiveness to our oversight efforts. Through him I thank the hardworking men and women of the FBI who do vital work every day to help keep us safe. # # # #