

**Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee  
Hearing On Oversight Of The Federal Bureau Of Investigation  
June 19, 2013**

Today, the Judiciary Committee welcomes Robert Mueller for what is likely to be his final appearance before this panel as Director of the Federal Bureau of Investigation (FBI).

Director Mueller began as head of the FBI just days before the terrorist attacks of September 11, 2001. For nearly 12 years, he has led the Bureau as it has shifted its primary focus to national security and counterterrorism efforts, while still carrying on its historic mission of fighting crime. That transition, while important for our national security, has not been without problems. From National Security Letters to the latest revelations about the use of the PATRIOT Act, I remain concerned that we have not yet struck the right balance between the intelligence-gathering needs of the FBI, and the civil liberties and privacy rights of Americans. I also want to make sure that the shift in the FBI's focus does not unduly hamper the Bureau's ability to investigate cases involving fraud and violent crime that significantly affect the everyday lives of Americans.

Notwithstanding these concerns, I have never questioned the integrity, dedication, and consummate professionalism of Director Mueller, as he has led the Bureau through very difficult times. He has been a steady and determined leader of the FBI. He has spoken forcefully about the need to protect Americans' civil liberties, as he did at the 100<sup>th</sup> anniversary of the Bureau. It was no surprise that a committed public servant like Bob Mueller would agree to put his long-awaited vacation and travel plans on hold, so that he could continue to serve his country in this intensely demanding position, when the President asked him to stay on board two years ago. Director Mueller has devoted his entire life to public service, and we are grateful to him and his family for their continued sacrifice. Bob Mueller will be leaving the next FBI Director enormous shoes to fill.

As the FBI now prepares for its first change in leadership since the 9/11 attacks, we must continue to review closely the broad intelligence-gathering powers that Congress granted to the FBI in order to combat terrorist threats. The FBI has faced daunting national security challenges, but we must also ensure that they do not violate the privacy rights and civil liberties of law-abiding Americans. I have long said that protecting national security and protecting Americans' fundamental rights are not mutually exclusive. We can and must do both.

The recent public revelations about two classified data collection programs illustrate the need for close scrutiny by Congress of the Government's surveillance activities. For years, I have been troubled by the expansive nature of the USA PATRIOT Act. These powerful law enforcement tools, including Section 215 orders, require careful monitoring and close oversight. That is why I authored legislation in 2009 that would have improved and reformed the PATRIOT Act, while increasing public accountability and transparency. My bill was reported by this Committee on a bipartisan basis in 2009 and 2011, and would help protect the privacy rights of innocent Americans, and strengthen oversight by the courts and Congress. I intend to re-introduce that bill tomorrow, and hope that Senators from both parties will join me in this effort to improve the

PATRIOT Act and further protect the civil liberties of everyday citizens. The American people deserve to know how broad investigative laws like the PATRIOT Act are being interpreted and used to conduct electronic surveillance, particularly when it involves the collection of data on innocent Americans. The American people also deserve to know whether these programs have proven sufficiently effective to justify their breadth. Right now, I remain skeptical.

I also firmly believe that we need to maintain close oversight over the broad surveillance authorities contained in the FISA Amendments Act. Since enactment of this law in 2008, I have had concerns about the scope of Section 702, despite its statutory focus on foreigners overseas. That is why I pushed for a shorter sunset, greater transparency and better oversight last year when Congress considered reauthorizing these provisions. Regrettably, the Senate rejected my efforts. I will continue to push for those commonsense improvements, as well.

It is important that Congress is able to conduct an open debate about the efficacy of these tools, particularly in light of the Boston Marathon bombing in April. We must carefully examine not only the tools that allow the Government to collect information, but also what we do with that information. I remain concerned that intelligence obtained by the FBI may not have been properly relayed through the Joint Terrorism Task Force to the Boston Police Department or to other law enforcement authorities both here and abroad. That is why I am glad that the Inspector General for the Intelligence Community is conducting an independent assessment of the intelligence gathering and sharing that led up to the Boston bombings.

Finally, the FBI's increased focus on counterterrorism over the past decade must not come at the expense of the Bureau's essential law enforcement functions. Despite the recent economic crisis and times of shrinking state and local law enforcement budgets, we have been fortunate to see crime rates across the country decline. However, preliminary data released earlier this month shows that in 2012, the overall violent crime rate in the United States rose for the first time since 2006. We must examine the reasons for this uptick in violent crime, and how the FBI intends to continue working with its state and local partners to ensure that this trend does not continue. I also know that the FBI has been at the forefront in using forensic science in its investigations, and while it has had its fair share of problems in the past with its own crime lab, I look forward to working with the FBI as I develop comprehensive legislation to address forensic science reform.

I thank Director Mueller for appearing before the Committee, for his responsiveness to our oversight efforts, and for his personal example and impressive leadership over the past 12 years in returning the FBI to its best traditions. Most importantly, I thank the hardworking men and women of the FBI, with whom I know he is proud to serve, and I look forward to the Director's testimony.

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