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Department of Justice

STATEMENT OF

**KENNETH L. WAINSTEIN
ASSISTANT ATTORNEY GENERAL
NATIONAL SECURITY DIVISION
DEPARTMENT OF JUSTICE**

BEFORE THE

**PERMANENT SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES HOUSE OF REPRESENTATIVE**

CONCERNING

**THE JUSTICE DEPARTMENT INSPECTOR GENERAL'S FINDINGS ON
THE FBI'S USE OF NATIONAL SECURITY LETTERS**

PRESENTED

MARCH 28, 2007

**Statement of
Kenneth L. Wainstein
Assistant Attorney General**

**Before the
Permanent Select Committee on Intelligence
United States House of Representatives**

**Concerning the
Justice Department Inspector General's Findings on
the FBI's Use of National Security Letters**

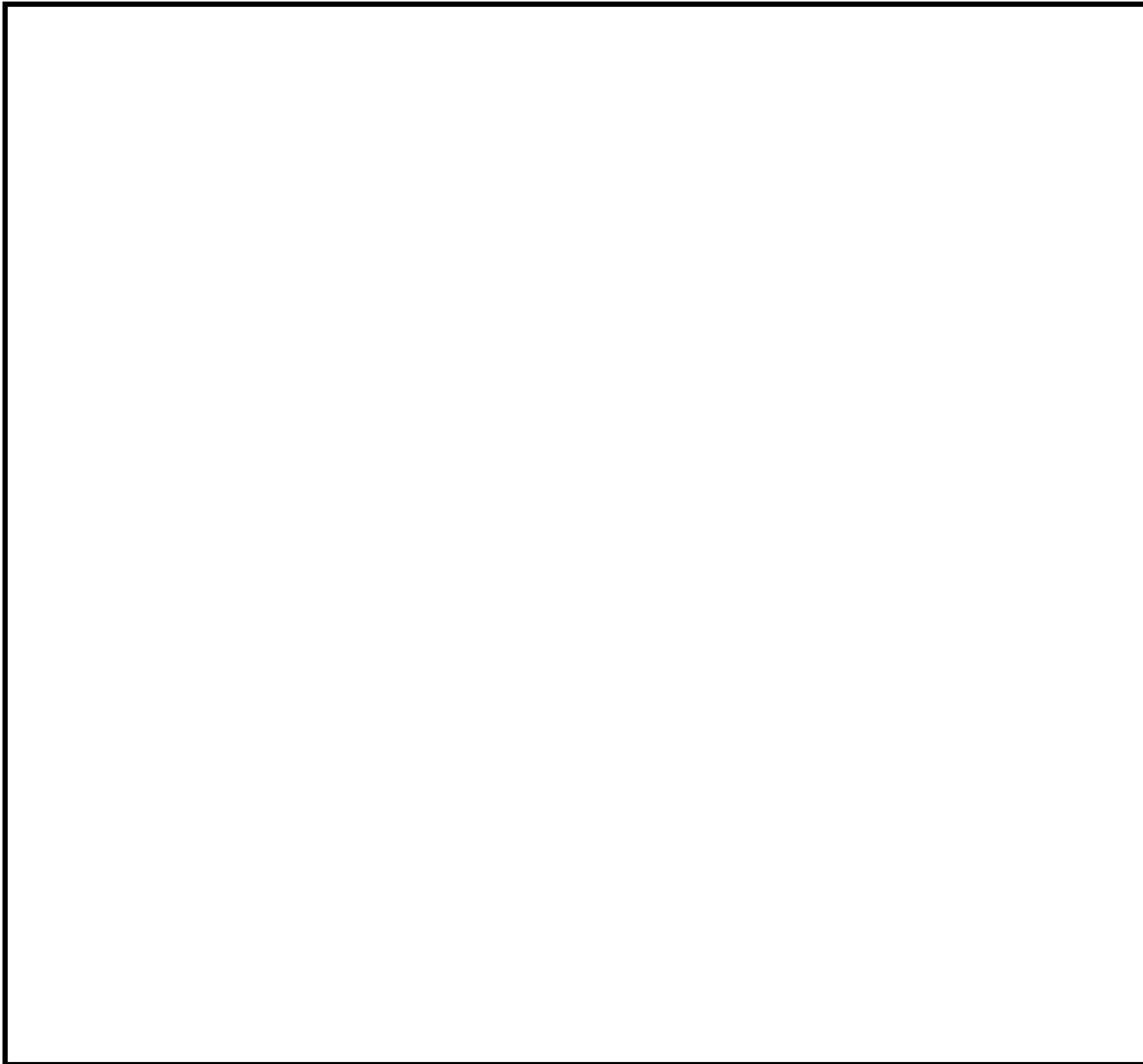
March 28, 2007

Thank you, Chairman Reyes, and Ranking Member Hoekstra, and good morning to all the distinguished members of this committee. I look forward to speaking to you today regarding the recent reports of the Department of Justice's Inspector General regarding the FBI's use of national security letters and the authority granted in Section 215 of the USA PATRIOT Act.

Let me briefly mention at the outset the Inspector General's findings with respect to Section 215 of the USA PATRIOT Act, which authorizes specified FBI officials to file applications with the Foreign Intelligence Surveillance Court to compel production of business records and other tangible things in connection with national security investigations. The Inspector General's report indicates that this authority has been used responsibly. Indeed, the Inspector General did not make any specific recommendations for improvements or other modifications to Justice Department procedures and practices for use of this authority. While the Inspector General did determine that there were some initial delays in using section 215 authority, he noted that they did not result in any harm to national security. The Inspector General also explained that many of the legal, bureaucratic, and process impediments that initially got in the way have now been addressed by the Department.

While the Inspector General also identified two instances of what he determined were “improper” uses of a section 215 order, both involved inadvertent mistakes by an agent or a third party that resulted in small amounts of overcollection. This overcollected information was sequestered and destroyed, and each matter was reported to the Intelligence Oversight Board and the Court, in accordance with FBI procedures. That captures the primary findings of the Inspector General’s 215 report, and I look forward to answering any questions that you may have on that report.

Outside the Scope



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