



U.S. Department of Justice Office of the Inspector General

Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act

(as required by Section 1001(3) of Public Law 107-56)

February 2011

Section 1001 of the USA PATRIOT Act (Patriot Act), Public Law 107-56, directs the Office of the Inspector General (OIG) of the U.S. Department of Justice (DOJ or Department) to undertake a series of actions related to claims of civil rights or civil liberties violations allegedly committed by DOJ employees. It also requires the OIG to provide semiannual reports to Congress on the implementation of the OIG's responsibilities under Section 1001. This report, the eighteenth since enactment of the legislation in October 2001, summarizes the OIG's Section 1001-related activities from July 1, 2010 through December 31, 2010.

I. INTRODUCTION

The OIG is an independent entity within the DOJ that reports to both the Attorney General and Congress. The OIG's mission is to investigate allegations of waste, fraud, and abuse in DOJ programs and personnel and to promote economy and efficiency in DOJ operations.

The OIG has jurisdiction to review programs and personnel in all DOJ components, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Federal Bureau of Prisons (BOP), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Marshals Service (USMS), the U.S. Attorneys' Offices, and other DOJ components.¹

The OIG consists of the Immediate Office of the Inspector General and the following divisions and offices:

- **Audit Division** is responsible for independent audits of Department programs, computer systems, and financial statements.
- **Evaluation and Inspections Division** conducts program and management reviews that involve on-site inspection, statistical analysis, and other techniques to review Department programs and activities and make recommendations for improvement.
- **Investigations Division** is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures that govern Department employees, contractors, and grantees.
- **Oversight and Review Division** blends the skills of attorneys, investigators, and program analysts to investigate or review high

¹ The OIG has authority to investigate allegations of misconduct by any Department employee, except for allegations of misconduct "involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice" See 5 U.S.C. App. 3 § 8E(b)(3).

profile or sensitive matters involving Department programs or employees.

- **Management and Planning Division** provides planning, budget, finance, personnel, training, procurement, automated data processing, computer network communications, and general support services for the OIG.
- **Office of General Counsel** provides legal advice to OIG management and staff. In addition, the office drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, and legal matters; and responds to Freedom of Information Act requests.

The OIG has a staff of approximately 440 employees, about half of whom are based in Washington, D.C., while the rest work from 16 Investigations Division field and area offices and 6 Audit Division regional offices located throughout the country.

II. SECTION 1001 OF THE PATRIOT ACT

Section 1001 of the Patriot Act provides the following:

The Inspector General of the Department of Justice shall designate one official who shall —

- (1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;
- (2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and
- (3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

III. CIVIL RIGHTS AND CIVIL LIBERTIES COMPLAINTS

Review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.

The OIG's Special Operations Branch in its Investigations Division manages the OIG's investigative responsibilities outlined in Section 1001.² The Special Agent in Charge who directs this unit is assisted by two Assistant Special Agents in Charge (ASAC), one ASAC assists on FBI matters, and a second ASAC provides support on DEA and ATF cases. In addition, five Investigative Specialists support the unit and divide their time between Section 1001 and FBI/DEA/ATF responsibilities.

The Special Operations Branch receives civil rights and civil liberties complaints via mail, e-mail, telephone, and facsimile. The complaints are reviewed by Investigative Specialists who make recommendations to the Special Agent in Charge regarding decisions concerning the dispositions. After review, each complaint alleging a violation within the investigative jurisdiction of the OIG or another federal agency is entered into an OIG database by an Investigative Specialist. The more serious civil rights and civil liberties allegations that relate to actions of DOJ employees or DOJ contractors normally are assigned to an OIG Investigations Division field office, where OIG special agents conduct investigations of criminal violations and administrative misconduct.³ Some complaints are assigned to the OIG's Oversight and Review Division for investigation.

Given the number of complaints received compared to its limited resources, the OIG does not investigate all allegations of misconduct against DOJ employees. The OIG refers many complaints involving DOJ employees to internal affairs offices in DOJ components such as the FBI Inspection Division, the DEA Office of Professional Responsibility, and the BOP Office of Internal Affairs. In certain referrals, the OIG requires the components to report the results of their investigations to the OIG. In most cases, the OIG notifies the complainant of the referral.

Many complaints received by the OIG involve matters outside our jurisdiction. The ones that identify a specific issue for investigation are forwarded to the appropriate investigative entity. For example, complaints of

² This unit also is responsible for coordinating the OIG's review of allegations of misconduct by employees in the FBI, DEA, and ATF.

³ The OIG can pursue an allegation either criminally or administratively. Many OIG investigations begin with allegations of criminal activity but, as is the case for any law enforcement agency, do not end in prosecution. When this occurs, the OIG is able to continue the investigation and treat the matter as a case for potential administrative discipline. The OIG's ability to handle matters criminally or administratively helps to ensure that a matter can be pursued administratively even if a prosecutor declines to prosecute a matter criminally.

mistreatment by airport security staff or by the Border Patrol are sent to the Department of Homeland Security (DHS) OIG. We also have forwarded complaints to the OIGs of the Departments of Defense, Education, and Veterans' Affairs. In addition, we have referred complainants to state Departments of Correction that have jurisdiction over the subject of the complaints. Allegations that relate to the authority of a DOJ attorney to litigate, investigate, or provide legal advice are referred to the DOJ Office of Professional Responsibility.

When an allegation received from any source involves a potential violation of federal civil rights statutes by a DOJ employee, we discuss the complaint with the DOJ Civil Rights Division for possible prosecution. In some cases, the Civil Rights Division accepts the case and requests additional investigation by either the OIG or the FBI. In other cases, the Civil Rights Division declines prosecution and either the OIG or the appropriate DOJ internal affairs office reviews the case for possible administrative misconduct. In addition, we notify the DOJ Civil Rights Division of complaints alleging violations of federal civil rights statutes by state and local law enforcement or government officials.

A. Complaints Processed This Reporting Period

From July 1, 2010, through December 31, 2010, the period covered by this report, the OIG processed **1,293** new civil rights or civil liberties complaints.⁴

Of these complaints, we concluded that **1,072** did not fall within the OIG's jurisdiction or did not warrant further investigation. The vast majority (1,030) of these complaints involved allegations against agencies or entities outside the DOJ, including other federal agencies, local governments, or private businesses. When possible, we referred those complaints to the appropriate entity or advised complainants of the entity with jurisdiction over their allegations. Some complaints (42) raised allegations that were not suitable for investigation by the OIG and could not be referred to another agency, generally because no subject or agency was identified within the complaint.

We found that **221** of the 1,293 total complaints involved DOJ employees or DOJ components and included allegations that required further review. The OIG initiated an investigation of **2** of these complaints. We determined that **203** of these complaints raised management issues that generally were not related to the OIG's Section 1001 duties, and we referred these complaints to DOJ components for appropriate handling. Examples of complaints in this

⁴ These complaints include all matters in which the complainant made any mention of a civil rights or civil liberties violation, even if the allegation was not within the OIG's jurisdiction.

category included inmates' allegations about the general conditions at federal prisons, or complaints that the FBI did not initiate an investigation into particular allegations.

The OIG identified **16** complaints as matters that we believed warranted an investigation to determine if Section 1001-related abuse occurred, and we referred these matters to the BOP for investigation. We discuss the substance of these 16 complaints in the next section of this report.

None of the complaints we processed during this reporting period specifically alleged misconduct by DOJ employees relating to use of a provision in the Patriot Act.

The following is a synopsis of the new complaints processed during this reporting period involving DOJ employees or components and that included allegations requiring further review:

Complaints processed:	1,293
Unrelated complaints:	1,072
Total complaints within OIG's jurisdiction warranting review:	221
OIG investigation:	2
Management issues:	203
Possible Section 1001 matters warranting investigation:	16

B. Section 1001 Cases This Reporting Period

1. New matters

As noted above, during this reporting period the OIG opened two new Section 1001 investigations. Additionally, the OIG referred 16 Section 1001-related complaints to the BOP for investigation.

The following is a summary of the two new matters opened by the OIG during this reporting period:

- A BOP inmate alleged that a correctional officer showed bias against him because the inmate was no longer Muslim. The inmate alleged that the correctional officer called him a "hypocrite" and a "snitch." The inmate further alleged that the same correctional officer

threatened his life and threatened to harm his family, and that the BOP staff tampered with his property. The OIG's investigation of this matter is ongoing.

- A Muslim inmate alleged that a BOP correctional officer disposed of his Koran and personal letters in the trash, then lied in an incident report by stating that the inmate's Koran and personal letters were confiscated and given to sheriff's deputy escorts for disposition. A search of the trash by BOP officials confirmed that the Koran and letters had been thrown away and not given to the deputies as stated in the incident report. The OIG's investigation of this matter is ongoing.

The following 16 complaints were referred by the OIG to the BOP for investigation during this reporting period. The investigations of three of these matters were completed during this period and the investigations of 13 of these matters are continuing. For each of these referrals, we requested that the BOP provide the OIG with a copy of its investigative report upon completion of the investigation.

Completed investigations:

- A BOP employee alleged that another BOP employee used racial slurs when referring to individuals from Pakistan, Afghanistan, and other Middle Eastern countries. When interviewed by BOP investigators, the subject denied that he made derogatory comments or ethnic slurs about anyone of Middle Eastern descent. Several other BOP employees were interviewed and said they had never heard the subject make derogatory remarks about such individuals. The BOP determined that there was not sufficient evidence to sustain these allegations and closed its investigation; no disciplinary action was taken. In addition, the same complainant alleged that the same subject and two other BOP employees had been using a racially derogatory term in referring to black inmates. The complainant indicated that two other BOP employees had heard the same subjects using the racially derogatory terms; one of these other BOP employees corroborated the complainant, and one denied that she had heard the subjects use the racially derogatory term. The three subject BOP employees denied the complainant's allegation that they had used a derogatory term in referring to black inmates. The BOP interviewed several other BOP employees who said they had not heard the subjects use the racially derogatory term. The BOP determined that there was not sufficient evidence to sustain the allegation and closed its investigation. No disciplinary action was taken.

- A Muslim inmate alleged that a BOP correctional officer told the inmate that he had killed hundreds of Muslims and would love to kill complainant, too. The inmate alleged that when he initially tried to report the correctional officer's alleged statements, he was threatened by another correctional officer. The BOP interviewed the correctional officers and both denied complainant's allegations. Two other BOP employees were interviewed and said they had not heard either subject make threatening or derogatory comments to the inmate. The BOP determined that there was not sufficient evidence to substantiate the allegations and closed its investigation.
- A BOP employee reported receiving a racially inflammatory e-mail from another BOP employee. BOP determined that one employee had received the e-mail from another employee and forwarded it to several staff, including the complainant. Both BOP employees admitted to sending the offending e-mail and acknowledged that the racially inflammatory statement in the message was inappropriate for the workplace. Disciplinary action is pending.

Continuing investigations:

- A Muslim inmate alleged that during a Muslim holiday meal, a BOP correctional officer shouted at the Muslim inmate in a "caustic tone" to intentionally disturb the holiday meal. The inmate alleged that this correctional officer often interrupted and harassed Muslim inmates as they worshipped and celebrated their faith. The inmate further alleged that the inmates have requested that BOP transfer this correctional officer. According to the inmate, the BOP allows the correctional officer to continue the harassment and intimidation of Muslim inmates in their religious activities.
- A Muslim inmate alleged that several Muslim inmates were issued incident reports by BOP correctional officers for participating in an unauthorized prayer meeting. The inmate alleged further that the incident reports were expunged when videotape showed that the alleged misconduct was fabricated. The complainant alleged that approximately one month later, he was issued another incident report by one of the correctional officers involved in making the prior fabricated report. The complainant alleged that this second incident report also contained fabricated information.
- A Muslim inmate alleged that he was fired from his job at the BOP commissary without explanation. The inmate submitted an administrative remedy request and was informed that he was fired because he allegedly abused prison rules relating to the use of the commissary. The complainant stated that the allegation against him

was false and was a pretext for discrimination against him because he is Muslim.

- A Muslim inmate alleged that a BOP staff member touched him inappropriately during pat searches. The Muslim inmate also alleged that his assigned correctional counselor has jeopardized his safety by disclosing to other inmates that he is a convicted sex offender. Further, the inmate alleged that he was denied his right to keep religious property and practice his Islamic faith.
- A Muslim inmate alleged that two BOP chaplains discriminated against Muslim inmates by restricting the Muslim community's religious services and not offering Muslims the same programs offered to Christian inmates.
- A Muslim inmate alleged that a BOP chaplain locked Muslim inmates in a room for prayers because he did not like them standing in the hallway outside his office. The complainant also alleged that the chaplain told other inmates that the Muslims love to read their Koran, but they always want to blow up something.
- A Muslim inmate alleged that the BOP chaplain who oversaw religious services at a BOP facility openly showed his "dislike, hatred, and discrimination" toward Muslim inmates, and that the chaplain's actions were being ignored by BOP officials.
- A Muslim inmate alleged that a BOP cook supervisor prevented Muslim inmates from observing the Muslim ceremonial meal, *Eid Fitrah*, because she would not allow the inmates to take food from the dining hall to their housing units. The inmate further alleged that the cook supervisor falsely accused him of inciting a riot.
- A Muslim inmate alleged that a BOP correctional officer sprayed him with chemical agents even though he knew the inmate suffered from chronic asthma. The inmate also alleged that he was restrained by his ankles and hands, and left in an empty room without a toilet, sink, shower, bed, food, or water for two days. Further, the inmate alleged that a BOP correctional officer told him he hated Muslims, forbade him from practicing his religion, and told him if he was hungry that he had a pork chop sandwich for him. A BOP incident report indicated that the inmate refused to submit to restraints, and a team was required to extract the inmate from his cell. The inmate was medically assessed in the holding cell and received new clothing.
- A Muslim inmate alleged that a BOP correctional officer deliberately mocked the Islamic prayer in a loud voice to provoke Muslim inmates

and show disrespect for their faith. The inmate also alleged that the correctional officer repeatedly made racially biased and other inappropriate comments about Muslims.

- A Muslim inmate alleged that during Ramadan, BOP staff poisoned his and other Muslim inmates' food. The inmate alleged that he experienced stomach pain and vomiting as a result of the food poisoning, but did not receive adequate medical care.
- A Muslim inmate alleged that a BOP correctional officer discriminated against him because of his religious beliefs by spitting in his food and denying him recreation time. The inmate alleged that the correctional officer told another that he despised all Muslims. The inmate alleged that he reported the alleged discrimination within the facility, but no action was taken.
- A Muslim inmate alleged that he was physically and mentally tortured for no reason, was provided meals containing pork products contrary to his religious diet, and was placed in the Special Housing Unit (SHU) for no reason.

2. Continuing OIG investigations and cases referred to BOP during previous reporting periods that the OIG continues to monitor

The following is a summary of two ongoing OIG investigations that were opened during a prior reporting period:

- The OIG is investigating a Muslim inmate's allegations that two BOP staff members told him that they and others hated him because he is Arab and Muslim, and that they made crude statements to him relating to his religious articles. The inmate alleged further that BOP correctional officers directed other inmates to attack him and that he did not receive timely medical treatment for injuries resulting from the assault. In addition, the inmate alleged that several prison officials threatened him in an effort to force him to withdraw these complaints. Other allegations made by the inmate include that his mail was withheld from him and that he was denied a transfer to another facility.
- A Muslim inmate alleged that he had been assaulted by BOP and USMS staff during his transfer of custody. The inmate alleged that a BOP employee removed his *kufi* from his head in a "violent manner" while he was being taken out of a transport van. The inmate further alleged that the BOP employee pushed him causing him to fall to the ground, and the BOP and USMS employees then dragged him on the

ground while he was shackled. A medical assessment of the inmate found abrasions to his head, left shoulder, knees, and ankles.

The OIG referred the following three complaints to the BOP for investigation during a prior reporting period. The investigations of these three matters continue. For each of these referrals, we requested that the BOP provide the OIG with a copy of its investigative report upon completion of the investigation.

- A Muslim inmate alleged that a BOP chaplain attempted to deny Sunni Muslim inmates the right to pray in the prison chapel, issued a memorandum stating when Sunni Muslim inmates could pray, repeatedly showed her dislike of Sunni Muslim inmates, and used her official position to oppress Sunni Muslim inmates.
- A BOP employee alleged that an inmate told him that BOP staff directed him to stop helping Islamic inmates, “because we don’t help terrorists.”
- An inmate who is originally from Pakistan alleged that he had been discriminated against by BOP employees because of his race and religion. The inmate alleged that he has been transferred several times and unfairly placed in the SHU, where he was harassed by correctional officers, did not receive timely medical treatment, had his legal documents confiscated, and was forced to sleep on dirty bed linens.

3. Previously opened investigations that were closed during this reporting period

The BOP completed investigations of five Section 1001-related matters during this reporting period that had been referred by the OIG in prior periods. For each of these referrals, we requested that the BOP provide the OIG with a copy of its investigative report.

- A Muslim inmate alleged that a BOP chaplain denied him and a visitor access to religious meals and prevented Muslims from obeying Islamic injunctions by forcing them to throw away food on a holy day. The inmate also alleged that the chaplain gave preferential treatment to Jews and Christians. BOP interviewed the chaplain who stated that at the time of the incident, the inmate was not registered as Muslim, and neither he nor a visitor could attend the meal as guests because under regulations at the facility, the only guests allowed were the inmate assigned to take photos and a pre-cleared volunteer of the Muslim faith. The chaplain stated that he treated inmates of all religious faiths the same. One inmate interviewed by the BOP

acknowledged that he was not on the list for the meal and stated that he did not think the chaplain discriminated against him or the Muslim inmate population. The BOP concluded that complainant's allegations were unsubstantiated.

- A Muslim inmate alleged that two BOP chaplains exhibited a pattern of incompetence and bias when dealing with Muslim inmates and Islamic issues. The inmate alleged that the chaplains issued memoranda restricting the duration and location of daily Muslim prayers, and the size of prayer groups. The inmate also alleged that BOP staff monitored Muslim religious services and classes in a restrictive manner. BOP's investigation did not develop evidence that the chaplains acted inappropriately toward the Muslim inmate population. Unrelated to these allegations, one of the chaplains, stated that he was upset by an anonymous note that accused him of using intimidation and threats when dealing with inmates. The chaplain said that he posted a reply that stated, "Come see the abusive intimidating chaplain. For your viewing pleasure, left anonymously, Full of Drama." Disciplinary action is pending against this chaplain as the BOP characterized the posting of the note and its comments as unprofessional conduct.
- A Muslim inmate alleged that a BOP correctional officer ordered him to remove his religious headwear when he entered the food service area. The inmate said that when he told the correctional officer that policy permitted him to wear the religious headwear in the food service area, the correctional officer ordered that the inmate be taken to the SHU. The inmate also alleged that when he was released from the SHU later that day, he was taken to the correctional officer's office, where the correctional officer "assaulted" him with profanity. The inmate further alleged that the correctional officer lied on an official record in response to the inmate's complaint. The BOP interviewed the correctional officer, and he denied that he used profanity. The correctional officer stated that he had instructed the inmate to remove unauthorized headgear, but the inmate refused his order and was escorted to the SHU. The inmate was released from the SHU later that evening, and the unauthorized headgear was confiscated. The BOP concluded there was not sufficient evidence to substantiate the allegations.
- A Muslim inmate alleged that a BOP staff member removed personal items from his display board and threw them away. According to the complainant, when the inmate questioned the correctional officer about the items, the correctional officer told him that they were gone. The inmate reported the matter to a Unit Manager, and he was told that nothing could be done. The Unit Manager told BOP investigators

that he approved removal of the religious items from the inmate's bulletin board and said he explained to the inmate that he was not authorized to keep religious items on his display board. The correctional officer told investigators that he recalled inspecting unit cells and removing unauthorized items from inmates' display boards, but stated that he never removed items from the cells. Complainant was unable to identify to BOP investigators or any inmate witnesses to substantiate his allegations, and no evidence was found that showed abuse of the inmate's property or retaliation against the inmate on religious or other grounds. The BOP concluded there was not sufficient evidence to substantiate the allegations.

- An inmate alleged that when he asked the BOP facility's chaplain to order religious materials for the Muslim community, the chaplain told him that there was no money in the budget for such items. The inmate alleged that when he sent an e-mail to the associate warden requesting a copy of the religious services budget, he was accused of sending a threatening e-mail and advised that he could be placed in solitary confinement or transferred to a different facility for sending such a message. When interviewed by BOP investigators, the associate warden and chaplain denied the allegations. The chaplain stated that the inmate was not told that there were insufficient funds to purchase Muslim religious materials. The associate warden denied making any statement about solitary confinement or being transferred. The chaplain said that the inmate may have been told that the requested items could not be purchased until the beginning of the new fiscal year. The chaplain stated that when he received the new budget, he was able to purchase some of the items requested by Muslim inmates. The inmate acknowledged that the facility's religious services department eventually purchased some of the items he requested. The BOP concluded there was not sufficient evidence to substantiate the allegations.

IV. OTHER ACTIVITIES RELATED TO POTENTIAL CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES

The OIG conducts other reviews that go beyond the explicit requirements of Section 1001 in order to implement more fully its civil rights and civil liberties oversight responsibilities. The OIG has completed or is conducting several such reviews that relate to the OIG's duties under Section 1001. These reviews are discussed in this section of the report.

A. Review of the FBI's Investigation of Certain Domestic Advocacy Groups

In September 2010, the OIG issued a report examining the FBI's investigative activity relating to five domestic advocacy groups and one individual. The OIG initiated this review in response to congressional inquiries that raised concerns over whether the FBI had improperly targeted domestic advocacy groups for investigation based upon their exercise of First Amendment rights. The OIG review examined FBI investigative activity between 2001 and 2006 related to: (1) the Thomas Merton Center (a "peace and social justice center" in Pittsburgh); (2) People for the Ethical Treatment of Animals (PETA); (3) Greenpeace USA; (4) The Catholic Worker (a pacifist organization with numerous local chapters); and (5) Glen Milner, an individual described as a Quaker peace activist.

The OIG review did not find that the FBI had targeted any of the groups for investigation on the basis of their First Amendment activities. However, we concluded that the predication for opening some of the investigations of individuals affiliated with the groups was factually weak, and in several cases, there was little indication of any possible federal crimes (as opposed to state crimes). In some cases, the FBI extended the duration of investigations involving advocacy groups or their members without adequate basis, and in a few instances, the FBI improperly retained information about the groups in its files. The FBI also classified some investigations relating to nonviolent civil disobedience under its "Acts of Terrorism" classification, which resulted in the watchlisting of subjects during the investigation.

In addition, in the course of our investigation, the OIG found that because of inaccurate information provided to the FBI Director regarding the circumstances of the FBI's surveillance of an anti-war rally in Pittsburgh in 2002, the Director unintentionally provided inaccurate testimony to Congress in May 2006. The Director, in reliance on the information provided to him by FBI personnel, testified that certain persons of interest in international terrorism matters were expected to be present at the rally, when in fact this was not the case.

The OIG report contained six recommendations, including that the FBI should specify the potential violation of a specific federal criminal statute as part of documenting the basis for opening a preliminary or full investigation in cases involving investigation of advocacy groups or their members for activities connected to the exercise of their First Amendment rights, and that the Department and the FBI should provide further guidance on whether or not cases involving First Amendment issues should be classified as "Acts of Terrorism" matters. The FBI concurred with these recommendations.

B. Review of the FBI's Activities Under Section 702 of the *Foreign Intelligence Surveillance Act Amendments Act of 2008*

Section 702 of the *Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008* (Act) authorizes targeting non-U.S. persons reasonably believed to be outside the United States to acquire foreign intelligence information. As required by the Act, the OIG is examining the number of disseminated FBI intelligence reports containing a reference to a U.S. person identity, the number of U.S. person identities subsequently disseminated in response to requests for identities not referred to by name or title in the original reporting, the number of targets later determined to be located in the United States, and whether communications of such targets were reviewed. In addition, the OIG is reviewing the FBI's compliance with the targeting and minimization procedures required under the Act.

C. Review of the Department's Use of Material Witness Warrants

The OIG is reviewing the Department's use of the material witness warrant statute, 18 U.S.C. 3144. Pursuant to the OIG's responsibility under Section 1001 of the Patriot Act, the review is addressing allegations of civil rights and civil liberties abuses in the Department's post-9/11 use of the statute in the national security context. The review is also examining the Department's controls over the use of material witness warrants, trends in the use of material witness warrants over time, and the Department's treatment of material witnesses in national security cases, including issues such as length of detention, conditions of confinement, and access to counsel.

D. Review of the FBI's Use of National Security Letters and Section 215 Orders from 2007 through 2009

The OIG is again examining the FBI's use of national security letters (NSLs) and Section 215 orders for business records. Among other issues, our review is assessing the FBI's progress in responding to the OIG's recommendations in prior OIG reports that examined the FBI's use of these authorities. Our review will also evaluate the automated system the FBI implemented to generate and track NSLs in response to the deficiencies identified in our prior reports, the number of NSLs issued and 215 applications filed by the FBI from 2007 through 2009, and any improper or illegal uses of these authorities. In addition, the review is examining the FBI's use of its pen register, and trap and trace authority under FISA.

E. Audit of the FBI's Management of Terrorist Watchlist Nominations and Encounters with Watchlisted Subjects

The OIG is conducting another audit of the FBI's management of terrorist watchlist nominations and encounters with watchlisted subjects.

In fiscal years 2008 and 2009, the OIG conducted two audits related to the FBI terrorist watchlist nomination practices. In these audits, the OIG found that the FBI's procedures for processing international terrorist nominations were, at times, inconsistent and insufficient, causing watchlist data used by screening agencies to be incomplete and outdated. The OIG found that the FBI failed to nominate for watchlisting many subjects of its terrorism investigations, did not nominate many others in a timely manner, and did not update or remove watchlist records as required. As a result of these reviews, the FBI reported that it had undertaken several initiatives and implemented new processes and guidelines to enhance its watchlisting system.

The objectives of the OIG's ongoing audit are to : (1) assess the impact of recent events on the FBI's watchlisting system; (2) evaluate the effectiveness of the initiatives recently implemented by the FBI to ensure the accuracy, timeliness, and completeness of the FBI's watchlisting practices, including watchlist nominations, modifications, and removals; and (3) determine whether the FBI is appropriately managing terrorist-related information obtained through the encounter process.

F. Audit of the Office of the Federal Detention Trustee's Efforts for Ensuring Safe and Secure Non-Federal Detention Facilities

The OIG is conducting an audit of the Office of the Federal Detention Trustee's (OFDT) efforts for ensuring safe and secure non-federal detention facilities. OFDT manages and regulates federal detention programs and conducts performance reviews, including on-site inspections, of selected non-federal detention facilities. According to a recent Bureau of Justice Statistics report, between 2006 and 2010, the number of federal detainees housed in non-federal detention facilities increased from 43,563 to 48,191. This audit seeks to determine whether the OFDT's oversight efforts ensure a safe, secure, and humane environment for federal detainees held in these non-federal detention facilities.

V. EXPENSE OF IMPLEMENTING SECTION 1001

Section 1001 requires the OIG to:

Submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report...including a description of the use of funds appropriations used to carry out this subsection.

During this reporting period, the OIG spent approximately \$1,136,564 in personnel costs, \$35 in travel costs (for investigators to conduct interviews), and \$757 in miscellaneous costs, for a total of \$1,137,356 to implement its

responsibilities under Section 1001. The total personnel and travel costs reflect the time and funds spent by OIG special agents, inspectors, and attorneys who have worked directly on investigating Section 1001-related complaints, conducting special reviews, and implementing the OIG's responsibilities under Section 1001.