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COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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March 24, 2015

**VIA ELECTRONIC TRANSMISSION**

The Honorable James B. Comey, Jr.  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

Dear Director Comey:

Public Law 97-257 established the FBI's authority to collect user fees for fingerprint-based Criminal History Record Information (CHRI) checks.<sup>1</sup> Although Congress initially authorized the FBI to use these fees to cover the cost of the fingerprint checks program, subsequent legislation expanded the permitted use of this revenue. Consequently, the FBI can now use fingerprint check fees to "defray" the expenses of other "criminal justice information services."<sup>2</sup>

The FBI apparently determined that it is free to set these fingerprint check user fees at any level, notwithstanding provisions of 31 U.S.C. 9701 or OMB A-25 guidelines.<sup>3</sup> Thus, the essential purpose in establishing the user fee—to support the fingerprint program—could take a backseat to the FBI's funding of unrelated "criminal justice information services." The Government Accountability Office (GAO) is recommending that the FBI needs to be more transparent about how these fees are spent.<sup>4</sup> Stakeholders and customers deserve to know what portion of the fee actually supports the fingerprint checks program and what portion supports other IT systems unrelated to the program for which the fees are supposedly being collected.

In order for the Committee to better understand how the FBI makes use of this important source of revenue, I am requesting the following information:

1. How does the FBI distinguish between expenses that can be supported by the one year "cost recovery" funding and expenses that can be supported by the no year "automation" funding? How are these expenses defined?

<sup>1</sup> Pub. L. 97-257, September 10, 1982, 96 Stat. 823.

<sup>2</sup> Pub. L. 104-99, January 26, 1996, 110 Stat. 37.

<sup>3</sup> 28 CFR Part 20, Federal Register, Vol. 75, No. 87 (May 6, 2010).

<sup>4</sup> Government Accountability Office, "Alternative Sources of Funding Are a Key Source of Budgetary Resources and Could Be Better Managed" (GAO-15-48).

2. For each of the past six fiscal years (FY09-FY14), how much of the fingerprint user fee collections revenue was obligated to recover costs of the fingerprint-based CHRI checks service?
3. For each of the past six fiscal years (FY09-FY14), how much of the fingerprint user fee collections revenue was obligated in support of automation services *related* to fingerprint identification systems?
  - a. Please provide a list of these supported programs/systems and break out the funding that each received from CJIS fingerprint user fee collections revenue and, separately, non-CJIS sources in each of the past six fiscal years (FY09-FY14).
4. For each of the past six fiscal years (FY09-FY14), how much of the fingerprint user fee collections revenue was obligated in support of automation services that were *unrelated* to fingerprint identification systems?
  - a. Please provide a list of these supported programs/systems and break out the funding that each received from CJIS fingerprint user fee collections revenue and, separately, non-CJIS sources in each of the past six fiscal years (FY09-FY14).

Please provide written responses to each of these questions by April 24, 2015. Please number your responses according to their corresponding questions. If you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley  
Chairman

cc:

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice