

Summary of Material Weaknesses and Corrective Actions

A summary of the two material weaknesses identified in the Department's FY 2009 assessment of the effectiveness of internal control over programmatic operations (FMFIA § 2) follows, along with details regarding corrective actions. The associated Corrective Action Plans are available in Section IV of this document.

Programmatic Material Weakness and Corrective Actions – Prison Crowding

As of September 30, 2009, the inmate population housed in BOP operated institutions exceeded the rated housing capacity by 37 percent. The BOP continues to accommodate the increasing federal inmate population by contracting with the private sector and state and local facilities for certain groups of low-security inmates, expanding existing institutions, and constructing new facilities. The continued use of these approaches maximizes the BOP's ability to keep pace with the increasing inmate population, thereby ensuring safe and secure operations in facilities housing federal inmates.

To address this material weakness, the BOP will continue to increase the total number of federal inmate beds to keep pace with the projected increases in the inmate population. A formal corrective action plan has been developed that includes utilizing contract facilities, expanding existing institutions, acquiring surplus properties for conversion to correctional facilities, and constructing new institutions as funding permits, as well as exploring alternative options of confinement for appropriate cases. The BOP plans to validate progress on construction projects at new and existing facilities through on-site inspections or by reviewing monthly construction progress reports.

This weakness was first identified in 2006, and is estimated to be closed out by the end of FY 2012.

Programmatic Material Weakness and Corrective Actions – Federal Bureau of Investigation Use of National Security Letters

In March 2007, the Department of Justice OIG reported that the FBI's use of national security letters (NSL) had grown and shifted in focus since the enactment of the Patriot Act in October 2001. While the NSL remains a critical investigative tool, the OIG found significant weaknesses in the FBI's administration of the program. For example, weaknesses were reported involving the completeness and accuracy of the electronic database used for tracking NSL usage, consistent retention of signed copies of NSLs, and the lack of clear guidance on applying Attorney General Guidelines requirements for the use of NSLs. An OIG follow-up report issued in March 2008 stated that the FBI and Department had made significant progress in implementing the recommendations in the initial OIG report.

To address this material weakness, the FBI implemented all OIG recommendations, as well as additional corrective actions, and awaits OIG closure of the reports. Improvements include strengthening the controls and automated workflow governing the request, review, and approval of NSLs; field office monthly reconciliations of NSL usage; and the database used for tracking NSL usage. The FBI also issued additional guidance to field offices to assist in identifying possible violations related to NSL use.

This weakness was first identified in 2006. FBI validation was completed in FY 2009; the FBI is currently awaiting OIG closure of reports.