

Testimony of

The Honorable Robert Mueller

Director of the Federal Bureau of Investigation
United States Department of Justice
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Good morning, Mr. Chairman, Senator Leahy, and Members of the Committee. I am pleased to appear before you today to update you on recent changes within the FBI and to address additional changes we anticipate in the near future. I would like to thank the Committee for your oversight of the FBI and your interest in ensuring our success in carrying out our mission.

I would like to take this opportunity before the Committee to discuss the President's recent announcement of the creation of an intelligence service within the FBI. This service will unify the FBI's Directorate of Intelligence, Counterterrorism Division, and Counterintelligence Division and will integrate FBI intelligence and investigative operations more fully into the broader Intelligence Community. Within this context, I would like to address three areas that directly impact the success of this new intelligence service: our Language Program, our Information Technology capabilities, and our ability to recruit, hire, train, and retain the expertise we need to build this service. Finally, Mr. Chairman, I would like to take this opportunity to reiterate the FBI's need for administrative subpoena authority in support of our efforts in the war on terrorism.

FBI Organization

Last month, the President announced that he had approved certain recommendations of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the WMD Commission). While the WMD Commission recognized that the FBI has made substantial progress in building our intelligence program, it expressed concern that our existing structure did not give the Director of National Intelligence (DNI) the ability to ensure that our intelligence functions are fully integrated into the Intelligence Community.

We are currently preparing a plan for implementing the President's directive to establish an intelligence service within the FBI. While the details of this plan are currently being discussed with the Department of Justice and the Office of the DNI, I would like to share with the Committee the broad concepts under which this service is being developed.

One guiding principle of the FBI's intelligence program, as implemented by the Directorate of Intelligence, has been the integration of the FBI's intelligence and investigative missions. An FBI intelligence service will build on the progress of the Directorate of Intelligence and further promote this integration. The integration of our intelligence and investigative missions ensures that intelligence drives investigative operations. Further, this integration enables the FBI to capitalize on its established investigative capacity to collect information and to extend that strength to the analysis and production of intelligence. This intelligence service will integrate intelligence and investigative operations by combining our counterterrorism, counterintelligence and foreign intelligence investigative components with our intelligence component and by placing the service under the supervision of a single official who will report to the Deputy Director.

The development of a specialized national security workforce is a key component of this new service. We will develop this workforce through initiatives, many of which are already in place, designed to recruit, hire, train and retain investigative and intelligence professionals who have the skills necessary to the success of our national security programs. For example, in accordance with the Intelligence Reform Act, our Directorate of Intelligence has established a specialized and integrated national intelligence workforce, which consists of intelligence analysts, language analysts, and physical surveillance specialists, as well as 500 Special Agents. To support this workforce, we are developing an intelligence career service that addresses the full range of human resource issues from hiring to training to professional development and retention.

Finally, the creation of an intelligence service within the FBI will enhance our ability to coordinate our national security activities with the DNI and the rest of the Intelligence Community. The single FBI official in charge of the intelligence service will be able to ensure that we direct our national security resources in coordination with the DNI, who will have the authority to concur in the appointment of this official.

Mr. Chairman, this is a broad outline of our plans for an intelligence service within the FBI. I am happy to provide the Committee additional details as the implementation of this initiative progresses.

Directorate of Intelligence: Foreign Language Program (FLP)

Prior to September 11, 2001, translation capabilities, like most other FBI programs, were decentralized and managed in the field. Post 9/11, we established the Language Services Translation Center (LSTC) at FBI Headquarters to provide centralized management of the Foreign Language Program. The LSTC provides a command and control structure at FBI Headquarters to ensure that our translator resource base of over 1,300 translators, distributed across 52 field offices, is strategically aligned with priorities set by our operational divisions and with national intelligence priorities.

We have now integrated Language Services into the Directorate of Intelligence. This integration fully aligns the FBI's foreign language and intelligence management activities and delivers a cross-cutting platform for future improvements across all program areas, including translation quality controls. We are also in the process of integrating linguists into our Field Intelligence Groups (FIGs) in each field office where their roles are expected to expand to include more intelligence reporting and analysis. Integration into the FIGs will establish a clear chain of command for the management and development of our language personnel. And, as their roles change, FBI linguists will receive greater training opportunities and Language Analysts will have greater promotion potential within the organization.

In addition, we have instituted prioritization processes to ensure that foreign language collection is translated in accordance with a clear list of priorities. The Foreign Language Program receives regular weekly updates to FISA prioritization. We are careful to ensure that the FBI's priorities are consistent with those set by the FISA prioritization board established by the Director of Central Intelligence. Our participation in this board has served to ensure our compliance in this area.

We also use a triage system to sift through collected materials. Once a document is received, a linguist quickly provides a cursory review and sets aside documents with pertinent information for future translation/summary. On audio lines that are mixed with several languages, a linguist reviews all the calls and forwards the foreign language sessions to the appropriate linguist for review and summary of pertinent sessions. We also route specific intelligence collection through the DI's English Monitoring Center (EMC). There, English Monitor/Analysts (EM) review the collection, summarize and report pertinent English materials, and forward the remaining foreign language items to the appropriate linguists across the country. This process allows our linguists to concentrate on the review, analysis, translation, and reporting of foreign language materials. On some audio FISA materials, where we are looking for a particular piece of information, a linguist will do a quick review and triage the audio for future translation.

With regard to the translation backlog, Mr. Chairman, we currently possess sufficient translation capability to promptly address all of our highest priority counterterrorism intelligence, generally within 24 hours. This prioritization and triage

process has helped us reduce our accrued backlog. Of the several hundred thousand hours of audio materials and several million pages of text collected in connection with counterterrorism investigations over the last two years, only 1.8% of all audio (8,354 hours out of a total of 418,855 hours collected), 0.8% of all electronic data files (36,667 files out of 4,104,134 files collected), and less than 0.1% text (149 pages out of a total of 1,833,347 pages collected) exist as accrued backlog.

Since the Office of the Inspector General completed its audit, we have reviewed more than 95% of all counterterrorism audio collected (403,864 hours out of a total of 426,593 collected). We found that 93% of the accrued backlog is attributable to either elongated "white noise" microphone recordings from certain techniques not expected to yield intelligence of tactically high value (4,668 hours of open microphone recording out of the total audio backlog of 8,354, or 56% of the backlog) or to audio from highly obscure languages and dialects that we are currently recruiting and hiring to address (3,362 hours due to a obscure languages out of the total audio backlog of 8,354, or 40% of the backlog).

We currently have translation capabilities in approximately 100 languages. The languages in the backlog are so rare that, in some cases, we have found that there is no one within the Intelligence Community with a proficiency in the language. We have addressed this issue through intense recruiting efforts, and have hired 9 additional linguists in one very rare language.

Mr. Chairman, I would also like to address some of the Inspector General's concerns about linguist hiring, vetting, and training. Since 9/11, we have recruited and processed more than 50,000 translator applicants. These efforts have resulted in the addition of 877 new Contract Linguists (net gain of 554 after attrition) and 112 new Language Analysts (net gain of 27 after attrition). The FBI has increased its overall number of linguists by 69%, with the number of linguists in certain high priority languages, such as Arabic, increasing by more than 200 percent.

At the same time, however, we must ensure translation security and quality. All FBI translator candidates are subject to a pre-employment vetting process that eliminates over 90% of those who apply.

There are currently over 3,000 FBI employees and contractors who have certified foreign language proficiency scores at or above Level II - basic working proficiency - including 406 Language Analysts and 959 Contract Linguists.

More than 95% of the FBI's linguists are native speakers of their foreign language and hold Top Secret security clearances. Their native-level fluencies and long-term immersions within a foreign culture ensure not only a firm grasp of colloquial and idiomatic speech, but also of heavily nuanced language containing religious, cultural, and historical references. Beyond these qualities, over 80% of FBI linguists hold at least a bachelor's degree and 37% hold a graduate-level degree. These qualities make them extremely valuable to the FBI's intelligence program, but also particularly attractive to other employers seeking these scarce skill sets. Strong demand for their language skills from other government agencies and the private sector is well documented. It is due in large part to this demand and competition that annual attrition among FBI Language Analysts has risen to approximately 7% since 9/11. Our attrition rate for contract linguists is approximately 11%.

We are also working to increase the language proficiency of other FBI employees. We have made added investments to our language training and cultural awareness programs. Last year alone, our Foreign Language Training Program provided training and/or self-study materials to 1,470 FBI employees in 32 languages.

The FBI meets the need for Special Agent linguists by hiring agents who already have language skills, and also by offering agents training in critical foreign languages. Special Agents are proficient in 45 foreign languages, and there are currently 1,340 Special Agents who have Level 2 foreign language proficiency, including 35 Agents who speak Arabic. The Language Training Program component of the DI's Training and Oversight Unit provides high-quality, cost effective foreign language and language-related training to Special Agents whose jobs require them to use foreign languages, work with non-Roman alphabets, or have an understanding of foreign cultures.

The FBI Directorate of Intelligence manages the Special Agent Linguist Program and the language training that supports agent linguist requirements. The Special Agent Linguist Program assesses the deployment of Special

Agents who are proficient in a foreign language and recommends permanent and temporary placement of new and experienced agents with foreign language proficiency in response to the FBI's investigative and intelligence priorities. Special Agents proficient in foreign languages are assigned to field offices, legal attaches, FBI Headquarters and the FBI Academy.

We have also taken steps to ensure proper security and continuing quality from the linguists we bring onboard. We have instituted a post-adjudication risk management program that mandates periodic personnel security interviews, polygraph examinations, and database access audits for each FBI translator. In the event this process discloses questionable or inappropriate associations based on self-reporting, or if such associations are brought to our attention by a third party, a security assessment is immediately conducted by the appropriate field office squad in coordination with our Security Division. Whenever credible and serious allegations surface, the translator's access to FBI space and information is suspended.

While we share the OIG's concerns regarding our quality control procedures, we are strengthening them by instituting national Translation Quality Control (QC) Policy and Guidelines. The FBI's QC Program requires that, after an initial week of intense training, all work performed by new linguists during their first 40 hours of service is subject to review by a senior linguist. Work performed during the second 80 hours of service will also be heavily spot-checked, and later checked with decreasing frequency as required. In all, it is estimated that each new linguist hired or contracted by the FBI will require an investment of at least 120 hours by a senior linguist dedicated to QC.

Mr. Chairman, we recognize that the FBI's foreign language program is key to the success of both the FBI's intelligence and law enforcement missions. We appreciate the oversight by this Committee and by the OIG and look forward to working with you in ensuring that we have the translation capabilities we need to address the many threats we face as a nation.

FBI Information Technology

Mr. Chairman, we recognize that the ability to assemble, analyze, and disseminate information both internally and with other intelligence and law enforcement agencies is essential to our success in the war on terrorism. As a result, we have made modernization of our Information Technology (IT) a priority and have developed a coordinated, strategic approach to IT under the centralized leadership of the Office of the Chief Information Officer (OCIO).

The OCIO has developed a Strategic IT Plan, a baseline Enterprise Architecture, and a system for managing IT projects at each stage of their "life cycle" from planning and investment, through development and deployment, operation and maintenance, and disposal. In addition, the OCIO has been working closely with the OIG to address its recommendations for achieving our IT goals. We have made substantial progress in each of these areas:

- ? The need for a sound program management structure
- ? The need for establishment and enforcement of appropriate processes
- ? The need for Life Cycle Management controls and process
- ? The need for an empowered Chief Information Officer
- ? The need for Portfolio Management and Investment Management
- ? The need for an Enterprise Architecture
- ? The need for a Strategic Information Technology Plan

The modernization of our IT capabilities will be completed in the form of a Service-Oriented-Architecture (SOA). "Sentinel" will be one such service, or, more accurately, a suite of services geared to evolve with our new and emerging needs, to work within and take advantage of the infrastructure, equipment and networking improvements effected by the Trilogy Program. The Trilogy Program was planned as a modernization effort for system infrastructure, network optimization, and upgrade or replacement of the five most important FBI investigative applications supporting the field. At the same time, as these efforts got underway, current events radically changed the mission focus and, consequently, the information to support the new focus. This resulted in new and emerging requirements, including the need for better collaboration, complex workflow analysis and tracking programs, and a critical need for information sharing.

Sentinel is not the Virtual Case File (VCF) which, as we know, suffered from inadequate management control, new and changing requirements, and the inability to maintain pace with these technical requirements. Sentinel differs from VCF in that it will serve as the platform from which services can be gradually deployed, each deployment offering added improvements. Sentinel will pave the road, starting with our legacy case management system, for subsequent transformation of all legacy applications to modern technology under our Enterprise Architecture. Services to be provided by Sentinel are currently planned for deployment in four phases, each phase providing standalone capabilities, each incrementally developed and deployed. In this manner, as each phase is developed, lessons learned from earlier deployments can be leveraged to our advantage. Early next year, initial development will begin; the full deployment of all services supporting our information management needs is anticipated to take a little over 40 months.

Mr. Chairman, I am aware that the Committee is interested in the estimated total cost of the Sentinel program. At this time, cost estimates are considered "source selection information" as defined by the Federal Acquisition Regulation, meaning that any public disclosure might improperly affect the bidding process. The FBI is committed to obtaining the best product at the lowest cost to the American people and we do not want to prematurely disclose information which may influence bids from potential contractors.

Human Resources

The men and women of the FBI are our most valuable asset. In order to continue to recruit, hire, train, and retain quality individuals for our expanding human capital needs, we have undertaken a re-engineering of our human resource program.

? We have retained the services of an outside consulting firm to review of business processes for selection and hiring, training and development, performance management, Intelligence Officer certification, retention, and career progression.

? We have removed non-human resource functions, such as facilities management, from the Administrative Services Division to create a pure human resource function.

? We have hired an executive search firm to identify a Chief Human Resources Officer for the FBI with significant experience in transformation of HR processes in a large organization.

? We have made substantial progress in building a specialized and integrated Intelligence Career Service comprised of Intelligence Analysts, Language Analysts, Physical Surveillance Specialists, and Special Agents.

? We have developed a Special Agent career path that will be implemented in October 2005. These career paths will take into account the background and experience of the Agent in determining the Agent's future career path in one of five programs: Counterterrorism, Counterintelligence, Intelligence, Cyber, or Criminal. This policy will promote the FBI's interest in developing a cadre of Special Agents with subject matter expertise.

These are just a few of the initiatives underway to improve the FBI's human capital and to ensure that we develop a workforce that is prepared to meet the challenges of the future.

Administrative Subpoenas

Mr. Chairman, when I last appeared before the Committee, my prepared testimony included a request for administrative subpoena authority in support of our counterterrorism efforts. I was remiss in not including that request in my oral remarks and would like to take the opportunity to do so at this time.

As you know, the FBI has had administrative subpoena authority for investigations of crimes ranging from drug trafficking to health care fraud to child exploitation. Yet, when it comes to terrorism investigations, the FBI has no such authority.

Instead, we rely on National Security Letters (NSLs) and FISA orders for business records. Although both are useful and important tools in our national security investigations, administrative subpoena power would greatly enhance our abilities to obtain information. Information that may be obtained through an NSL is limited in scope and enforcement is difficult because the request is in the form of a letter, not a subpoena or court order. FISA business record requests, although delivered in the form of a court order, require the submission of an application for an order to the FISA Court. This is a time-consuming process and, in investigations where there is a need to obtain information expeditiously, a FISA order for business records, which does not contain an emergency provision, may not be the most effective process to undertake.

As a result, we submit that the administrative subpoena would be a valuable complement to these tools and provide added efficiency to the FBI's ability to investigate and disrupt terrorism operations and our intelligence gathering efforts. It would provide the government with an enforcement mechanism which currently does not exist with NSLs and it would provide the expediency not available with a FISA business records order. Moreover, it would bring the authorities of agents and analysts investigating terrorism into line with the authorities the FBI already has to combat other serious crimes. I would like to stress that the administrative subpoena power proposal would provide the recipient the ability to quash the subpoena on the same grounds as a grand jury subpoena.

Conclusion

Mr. Chairman and Members of the Committee, thank you again for this opportunity to discuss these important issues concerning the transformation of the FBI. Much has been accomplished. Much remains to be done. But our strategic plan, our methodology and process improvements are guiding our prioritization and performance in support of the FBI mission.

I am happy to answer any questions you may have.