



Department of Justice

STATEMENT

OF

DANIEL D. ROBERTS
ASSISTANT DIRECTOR
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

"STRENGTHENING SECURITY AND OVERSIGHT OF BIOLOGICAL RESEARCH
LABORATORIES"

PRESENTED ON

SEPTEMBER 22, 2009

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GOOD MORNING CHAIRMAN CARDIN, RANKING MEMBER KYL, AND THE DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY. I AM DANIEL D. ROBERTS, ASSISTANT DIRECTOR OF THE FBI'S CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, OR CJIS, LOCATED IN CLARKSBURG, WEST VIRGINIA. I HAVE SERVED IN THE FBI FOR OVER 22 YEARS, BUT HAVE ONLY HELD MY CURRENT POSITION SINCE JUNE 2009. I THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE THIS SUBCOMMITTEE.

THE CJIS DIVISION MAINTAINS OVERSIGHT OF TWO MAJOR BACKGROUND ASSESSMENT PROGRAMS. THE MORE COMMONLY KNOWN NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM ASSESSES A PERSON'S ELIGIBILITY TO POSSESS A FIREARM OR EXPLOSIVE. THE LESSER KNOWN PROGRAM, THE BIOTERRORISM RISK ASSESSMENT GROUP, OR BRAG, IS SIMILAR IN MISSION. BRAG'S ROLE IS TO ENHANCE NATIONAL SECURITY AND PUBLIC SAFETY BY PROVIDING THE TIMELY AND ACCURATE DETERMINATION OF AN INDIVIDUAL'S

ELIGIBILITY TO USE, POSSESS OR TRANSFER SELECT AGENTS AND TOXINS. CANDIDATES ARE EVALUATED FOR ACCESS TO SELECT AGENTS AND TOXINS AGAINST CRITERIA DELINIATED WITHIN THE PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002, AND AGAINST PROHIBITIVE CATEGORIES DEFINING A RESTRICTED PERSON WITHIN THE USA PATRIOT ACT.

PURSUANT TO THE BIOTERRORISM ACT, THE ATTORNEY GENERAL OF THE UNITED STATES IS CHARGED WITH USING CRIMINAL, IMMIGRATION, NATIONAL SECURITY, AND OTHER ELECTRONIC DATABASES TO DETERMINE WHETHER AN ENTITY OR AN INDIVIDUAL IS A RESTRICTED PERSON. THE ATTORNEY GENERAL DELEGATED THIS AUTHORITY TO THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION IN JANUARY 2003. THE BRAG BEGAN CONDUCTING SECURITY RISK ASSESSMENTS, OR SRAS, IN COLLABORATION WITH OFFICIALS FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF AGRICULTURE IN APRIL 2003.

SRAS ARE CONDUCTED ON ENTITIES (EXCEPT FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES, INCLUDING PUBLIC ACCREDITED ACADEMIC INSTITUTIONS), ANY INDIVIDUAL WHO OWNS OR CONTROLS THE ENTITY, RESPONSIBLE OFFICIALS, AND ALTERNATE RESPONSIBLE OFFICIALS MANAGING ENTITY OPERATIONS EVERY

THREE YEARS. SRAS ARE CONDUCTED NOT LESS FREQUENTLY THAN ONCE EVERY FIVE YEARS ON INDIVIDUALS REQUIRING ACCESS TO SELECT AGENTS AND TOXINS. A TYPICAL SRA TAKES ABOUT ONE MONTH TO COMPLETE.

THE SRA IS DIFFERENT THAN A FULL BACKGROUND INVESTIGATION SUCH AS THOSE CONDUCTED FOR SECURITY CLEARANCES, AND COMPLIES WITH THE REQUIREMENTS OF THE BIOTERRORISM ACT.

THE SRA COMMENCES WHEN BRAG RECEIVES A CANDIDATE'S FORM FD-961 AND TWO LEGIBLE FINGERPRINT CARDS. THE FINGERPRINT CARDS ARE PROCESSED BY THE FBI'S INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AND FLAGGED TO IDENTIFY THE RECORD AS BELONGING TO AN INDIVIDUAL WHO UNDERWENT AN SRA. THE FD-961 DATA SUPPLIED BY THE CANDIDATE IN RESPONSE TO QUESTIONS DIRECTLY CONCERNING EACH PROHIBITOR IS THEN ENTERED INTO BRAG'S STAND-ALONE BIOTERRORISM DATABASE MAINTAINED BY CJIS. THE CANDIDATE'S CASE IS SUBSEQUENTLY ASSIGNED TO A BRAG PERSONNEL SECURITY SPECIALIST FOR RESEARCH.

UPON COMPLETION OF ALL DATABASE SEARCHES, THE CANDIDATE'S STATUS IS DETERMINED AND THE RESULTS SUBMITTED

TO THE SPONSORING AGENCY. THE SPONSOR PROVIDES, IN WRITING, THE DECISION INDICATING DENIAL OR APPROVAL OF ACCESS TO THE CANDIDATE.

IF ACCESS IS DENIED, THE CANDIDATE IS ADVISED OF THE SPECIFIC PROHIBITING FACTOR APPLIED TO THEM. CANDIDATES MAY APPEAL THE DECISION VIA THEIR SPONSOR WITHIN 30 DAYS OF NOTIFICATION OF DENIAL. THE SPONSOR WILL FORWARD A STATEMENT OF FACTUAL BASIS FOR THE APPEAL AND SUPPORTING DOCUMENTATION PROVIDED BY THE CANDIDATE TO THE FBI FOR RECONSIDERATION. THE FBI WILL REVIEW THE CANDIDATE'S DOCUMENTATION AND RESEARCH THE APPROPRIATE DATABASES. THE FBI WILL EITHER OVERTURN THE RESULTS OF THE ORIGINAL SRA, OR SUSTAIN THE ORIGINAL DETERMINATION OF STATUS. THE SPONSOR IS AGAIN ADVISED OF THE RESULTS AND IN TURN, NOTIFIES THE CANDIDATE IN WRITING OF THE DECISION.

SINCE THE INCEPTION OF THE PROGRAM, THE BRAG HAS COMPLETED 32,742 SRAS. TWO HUNDRED AND EIGHT INDIVIDUALS HAVE BEEN RESTRICTED.

ALTHOUGH SRAS ARE CONDUCTED ON A FIVE-YEAR CYCLE, IF AT ANY TIME AN INDIVIDUAL IS CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE

YEAR, THEN CJIS IS APPRISED OF THIS FACT, AND CJIS INFORMS CDC AND APHIS THAT THE INDIVIDUAL IS CONSIDERED A RESTRICTED PERSON.

THE CJIS DIVISION, IN CLOSE COORDINATION WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AND THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE IS CONTINUALLY SCRUTINIZING AND EVALUATING THE SRA PROCESS. EFFORTS ARE ONGOING TO AUTOMATE THE WORK FLOW, AND IMPROVE INFORMATION SHARING CAPABILITIES.

MR CHAIRMAN, I WOULD LIKE CONCLUDE BY THANKING YOU, RANKING MEMBER KYL, AND THIS SUBCOMMITTEE FOR YOUR SERVICE AND SUPPORT. I LOOK FORWARD TO WORKING WITH YOU IN YEARS TO COME AS WE CONTINUE TO COUNTER BIOSECURITY THREATS OF THE FUTURE.

I WOULD ALSO LIKE TO PERSONALLY THANK THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' CENTERS OF DISEASE CONTROL AND PREVENTION, AND THE DEPARTMENT OF AGRICULTURE'S ANIMAL AND PLANT HEALTH INSPECTION SERVICE FOR YEARS OF UNWAVERING SUPPORT.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOUR

SUBCOMMITTEE. I LOOK FORWARD TO ANSWERING YOUR QUESTIONS.