



Department of Justice

STATEMENT OF

**ROBERT S. MUELLER III
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE**

AT A HEARING ENTITLED

“TEN YEARS AFTER 9/11: ARE WE SAFER?”

PRESENTED

SEPTEMBER 13, 2011

**STATEMENT FOR THE RECORD OF
ROBERT S. MUELLER III
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION**

**BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

**AT A HEARING ENTITLED
“TEN YEARS AFTER 9/11: ARE WE SAFER?”**

**PRESENTED
SEPTEMBER 13, 2011**

Good morning, Chairman Lieberman, Ranking Member Collins, and Members of the Committee. Thank you for the opportunity to appear before the Committee today to discuss the threats facing our nation and the efforts of the FBI to protect the United States over the past ten years.

Introduction

The mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to Federal, State, municipal, tribal, and international agencies and partners. The FBI's number one priority in this mission continues to be the prevention of terrorist attacks against the United States. To improve its ability to detect and disrupt those with the intent and capability to conduct attacks in the United States, the FBI has undergone a paradigm shift in the way we collect and use intelligence.

The FBI significantly increased its intelligence capacity after the attacks of September 11, 2001, when the FBI elevated counterterrorism to its highest priority. Prior to the 9/11 attacks, the FBI's operations were heavily weighted towards its law enforcement mission; intelligence tools and authorities were primarily used for the counterintelligence mission. In the immediate aftermath of 9/11, the FBI quickly identified the need to enhance intelligence programs with improved analytical and information sharing capacities to detect and prevent future terrorist attacks.

Protecting the United States against terrorism demanded a new framework for the way the FBI carries out its mission: a threat-based, intelligence-led approach. Rather than collecting information to solve a particular case, the new approach prioritizes the collection and utilization of intelligence to develop a comprehensive threat picture, enabling strategic disruptions of

terrorist networks before they act. This focus on the overall threat picture also elevates the need for information sharing, thereby changing the FBI's role in and relationships with both the intelligence and law enforcement communities. Under this new model, intelligence drives how we understand threats, how we prioritize and investigate these threats, and how we target our resources to address these threats.

This new approach has driven significant changes in the Bureau's structure and management, resource allocation, hiring, training, recruitment, information technology systems, interagency collaboration and information sharing, as well as a paradigm shift in the FBI's cultural mindset. These changes have transformed the Bureau into a national security organization that fuses traditional law enforcement and intelligence missions. At the same time, the FBI remains vigilant in upholding the Constitution, the rule of law, and protecting privacy rights and civil liberties.

Today's FBI: A National Security Organization

In the years since 9/11, the FBI has integrated its intelligence mission with its traditional law enforcement mission, enhancing its ability as a national security organization. Like other intelligence agencies, the FBI collects, exploits, disseminates, and analyzes intelligence. The FBI combines these functions to collect and act on intelligence as a national security organization. As a result, the FBI is not solely an intelligence or law enforcement agency. The FBI's actions are not limited to arrests and prosecutions; they take many forms, including recruiting potential intelligence sources; developing new collection requirements (pieces of information sought to complete a particular threat picture); and supporting our Federal, State, local, and tribal partners to exercise their distinct authorities to disrupt plots before they cause harm.

The FBI has a long history of collecting intelligence to be used as evidence to dismantle criminal networks or to identify and prosecute spies. Historically, information was collected with a goal of using it to drive traditional law enforcement action: arrest and prosecution. However, being driven by threat rather than arrest and prosecution means prioritizing intelligence collection. Under the FBI's new paradigm, intelligence enables a broader picture of the threat. Intelligence is not collected simply to further a particular case. This shift required the integration of intelligence and law enforcement capabilities. Intelligence is analyzed and disseminated to better understand the threat, to identify intelligence gaps, and to develop new collection requirements, which drive additional action in the field, leading to either additional collection or disruption. It is this continuous intelligence cycle that drives investigative strategies to ensure resources are targeting the most pressing threats.

Another key element of the FBI's evolution into an effective national security organization has been augmenting relationships and information sharing with the United States Intelligence Community ("the Intelligence Community"), as well as Federal, State, local, tribal, and foreign law enforcement partners. The Bureau has accomplished this interconnectivity

through the development of and participation in joint operational programs and task forces, expansion of our presence overseas, and the development of information technology systems that support information sharing. Meeting the requirements of the intelligence cycle necessitated a significant enhancement of the Bureau's intelligence capacity and expertise.

Building the Structure and Management Capability for a National Security Organization

The Initial Steps of the Transformation

To meet the immediate demands of the post-9/11 threat environment, the Bureau shifted resources from criminal investigations to national security matters, adding almost 2,000 agents to its national security programs within one year. Soon thereafter, the FBI began the process of creating a national security focus and aligning the organization to address this priority. One of the first steps was to centralize control and management of counterterrorism operations at Headquarters to avoid the "stove-piping" of information on terrorism cases in the 56 individual Field Offices across the country. Another was building the critical intelligence infrastructure to meet the needs of production and dissemination of intelligence products. The building blocks of this infrastructure included: establishing an intelligence office at Headquarters; creating a Field Intelligence Group (FIG) for each Field Office across the country; augmenting counterterrorism resources at Headquarters; hiring more intelligence and language analysts; creating systems to enable more efficient search and analysis capability; and developing new training.

As the various elements of the national security architecture grew both at Headquarters and in the field, a need to focus on and centralize not only counterterrorism operations, but also the Bureau's overall national security mission emerged. This led to the creation of the National Security Branch (NSB) in 2005, which combined the missions, capabilities, and resources of all of the national security components of the Bureau - counterterrorism, counterintelligence, intelligence and weapons of mass destruction. In addition to managing the NSB's internal components, the Executive Assistant Director for NSB -(EAD/NSB) serves as the Bureau's lead intelligence official and representative to the Intelligence Community. With centralized management, the FBI's national security functions have matured internally and the NSB has further integrated itself into the Intelligence Community. To accelerate this integration, NSB created an Associate Executive Assistant Director position that is filled by a senior official from the Intelligence Community. The NSB also has administrative responsibility for two interagency groups: the High-Value Detainee Interrogation Group (HIG) (formally chartered in 2010) and the Terrorist Screening Center (TSC) (formally chartered in 2003).

Management Approach to Lead the Transformation: Strategy Management System (SMS)

While identifying the objective for and building the components of an intelligence-led organization were key steps in the FBI's transformation, transitioning this new threat-based

intelligence-led model into practice required additional focus and attention from management. The challenge was to get the network of offices and personnel across the country and around the globe to accept a new mindset and approach to day-to-day operations. The Bureau developed a tool – the Strategy Management System (SMS) – based on the well-regarded balanced scorecard methodology, to measure the execution of its strategy and the progress of its transformation. The SMS is a method to communicate the FBI’s strategy, prioritize initiatives, identify each component’s role in pursuing the strategy, and measure progress. The core of the strategy is the intelligence cycle. The SMS lays out objectives in each of four categories: the expectations of the American public, internal processes, talent and technology, and resources against which objectives, measures, and initiatives are balanced. Through this structure, the SMS has helped to integrate intelligence into all aspects of the FBI’s mission. The SMS used at the Headquarters level cascades down to SMS at the Branch and Division level, thereby creating a cohesive plan under which every component of the Bureau, down to each employee, has a defined role in achieving the goals of the organization. Moreover, to ensure that the FBI’s national security mission is aligned with the greater Intelligence Community’s mission, NSB’s strategy is linked to both the FBI Enterprise-wide strategy as well as the National Intelligence Strategy.

SMS reviews are conducted quarterly at the Executive management level to review progress against the FBI’s strategy and at the Branch and Division levels to monitor the execution of the strategy, establish accountability for performance, and ensure alignment with the FBI corporate strategy. The SMS is also linked to and guides the core business processes within the FBI, including: the inspections process, the risk-based management process, spend plan reviews, major resource decisions, and executive performance plans.

Accelerating the Transformation: Strategic Execution Team (SET)

In 2007, recognizing that intelligence had not yet become central in FBI operations and to accelerate the growth of the Bureau’s intelligence cycle capabilities, the FBI formed a Strategic Execution Team (SET) initially comprised of almost 100 Special Agents, Intelligence Analysts, and other skilled professionals from Field Offices and FBI Headquarters. The SET examined the intelligence activities in each of the 56 Field Offices and identified two overarching impediments to transformation: integrating intelligence into operations in the field and building human capital for enhanced intelligence capabilities. For example, the SET found that while each Field Office had a FIG, many of the intelligence analysts were being utilized to support the tactical needs of individual cases, rather than being the engine driving strategic collection requirements and, in turn, operations. Following the recommendations of the SET, the FBI standardized the structure and responsibilities of the FIGs to increase collaboration between intelligence and operations, and to provide accountability for intelligence collection, analysis, use, and production. In response to the need to build human capital, the FBI also devoted resources to recruiting and training an analytical workforce that could fulfill the critical functions of the intelligence cycle.

The SET also identified the need for a standardized intelligence role for the operational divisions at Headquarters, similar to the FIGs. SET designed Central Strategic Coordinating

Components (CSCCs), where teams of intelligence personnel are embedded in each of the operational divisions to fulfill the primary functions of the intelligence cycle and to improve coordination between the Field Offices and Headquarters components.

Tracking the Progress of the Transformation: Strategy Performance Sessions (SPS)

To better track and measure the Field Offices' progress towards a truly threat-based, intelligence-led approach, in 2008, management at Headquarters began conducting Strategy Performance Sessions (SPS) with Field Offices to review the Field Offices' intelligence and operational performance. The sessions, conducted on a bi-annual basis¹ by secure video teleconference with executives from Headquarters and the management team from two to four Field Offices, focus on: the top threats by operational program facing each Field Office's area of responsibility, or domain; the gaps in intelligence against those top threats; and the strategy to fill those intelligence gaps. The purpose of the SPS is to provide a forum for strategic dialogue, which enables informed decision-making, enhances intelligence and investigative program performance, and instills a culture of accountability. Through SPS sessions, Headquarters divisions gain better insight into the challenges Field Offices are facing in their areas of responsibility and use this knowledge to allocate resources strategically and assist the Field Offices to focus on the cases with the potential to neutralize the greatest threats while recruiting sources who have answers to the most pressing questions. Utilizing the SPS sessions, management has systematically led the cultural transition from a Bureau focused on cases and successful prosecutions to an intelligence-driven organization focused on comprehensive domain awareness and network disruptions.

Human Capital Development

The FBI's current intelligence-led operational model relies in large part on analysts and language specialists who can quickly and effectively review, analyze, and disseminate the intelligence collected in the field. Post 9/11, the FBI's challenge was to develop an intelligence analyst and language specialist cadre that could match the collection capabilities of the Special Agents. The creation of a workforce with the intelligence expertise necessary for today's threats and those of the future required the Bureau to recruit beyond law enforcement and the military communities in order to attract individuals with a broader range of skill sets and advanced degrees in relevant fields. Furthermore, the traditional operational approach created a culture that emphasized the value of Special Agents. This necessitated a strategy that would elevate the stature of analysts. The FBI is meeting this two-part challenge by developing a targeted recruitment strategy, creating rewarding career paths for intelligence analysts, enhancing training programs, and establishing a Leadership Development Program.

¹SPS were originally conducted on a quarterly basis. In 2009, in an effort to reduce the administrative workload on the Field Offices, the frequency was reduced to twice yearly.

Developing an Intelligence Analyst Cadre

Soon after 9/11, the FBI recruited experienced intelligence analysts from other agencies and students with critical skill sets from universities around the country. The FBI also created opportunities for entry-level positions with career paths that often lead to FBI Intelligence Analyst or Special Agent positions. Since 2001, the FBI has nearly tripled the number of IAs to 3,118, increased the SIA cadre to 285, and increased the number of GS-15 level analysts to 80. This increase in the quantity has been accompanied by a dramatic increase in the capabilities and expertise of the analyst corps. Today, almost half of the FBI's Special Agents were hired post-9/11, and have "grown up" in the intelligence-led culture of today's FBI working side-by-side with analysts.

The FBI has instituted programs to enhance the stature of and career options for analysts. In 2010, the NSB created three analyst career paths - tactical, collection/reporting, and strategic. By defining specific analyst functions, the FBI is creating a specialized, analytic workforce with the appropriate training, experiences, and opportunities for career development. Since 2005, 133 FBI agents and analysts have been certified as Intelligence Officers through the FBI Intelligence Officer Certification Program.

Analysts now also hold Senior Executive Service (SES)-level leadership positions at Headquarters to manage a range of programs, including the CSCCs and the newly established Intelligence Watch. Starting in 2009, the Bureau began establishing Senior Supervisory Intelligence Analyst (SSIA) positions, which are the equivalent of Assistant Special Agents in Charge. SSIAAs also perform a full range of managerial and liaison responsibilities with authority over strategic planning activities and personnel matters.

Training is another key element of cultivating a professional analyst workforce. In 2009, the FBI produced a five-year training strategy for Intelligence Analysts, which identified the need for new courses, instructors, and funding. Since then, the FBI's Training Division has been working directly with training units in the NSB to drive training requirements for Intelligence Analysts.

Leadership Development Program

The FBI has a long history of hiring individuals with strong leadership skills, but the fast-paced and continuous changes in the organization created the need for an accelerated and enhanced leadership development program for all employees. In response, in 2009, the FBI established the Leadership Development Program (LDP), the first comprehensive, coordinated approach to leadership in the Bureau's history. LDP's primary goal is to ensure that FBI employees are fully prepared to lead before they assume leadership positions. The LDP's programs, which are at various stages of development and piloting, will deliver a range of programs designed around a leadership doctrine that emphasizes character, courage, competence, and collaboration. LDP's programs will be available to all employees in all locations across the

Bureau from the day they are hired to the day they retire. Initially, programs are being offered to new employees; employees interested in becoming supervisors; and current supervisors and senior managers. Through its commitment to building the infrastructure to fully implement and sustain the LDP, the FBI will ensure that its employees are prepared to confront current and future challenges and threats.

Supporting the Core Functions of the Intelligence Cycle

The priority of staying ahead of the threat has changed the demand for intelligence as its utility expanded from supporting a particular case to identifying and understanding a broader picture of the threat. This shift required the integration of intelligence and law enforcement capabilities. Intelligence is analyzed and disseminated to better understand the threat, to identify intelligence gaps, and to develop new collection requirements, which drive additional action in the field, leading to either additional collection or disruption. It is this continuous intelligence cycle of collection, integration and dissemination, analysis, and action that drives investigative strategies to ensure resources are targeting the most pressing threats.

Intelligence Collection

Collection of intelligence is conducted by the FBI's greatest asset: its people. Since 9/11, the FBI has more than doubled the number of agents and analysts assigned to its national security mission from 3,537 (2,514 agents/1,023 analysts) to 7,933 (4,815 agents/3,118 analysts). The FBI has a network of personnel spread around the globe with 56 Field Offices and 399 resident agencies domestically, and 62 International Legal Attaché offices around the world which support the collection of raw intelligence.

The Joint Terrorism Task Forces (JTTFs) are interagency squads dedicated to investigating terrorism matters and coordinating counterterrorism efforts across the United States. The FBI has increased the number of JTTFs from 35 in 2001 to 104 today -- one in each of the 56 Field Offices and 48 of the Resident Agencies across the country. In addition to FBI agents, the JTTFs are comprised of Task Force Officers (TFOs) from 32 Federal and 671 State, local, and tribal law enforcement and intelligence agencies. A single National Joint Terrorism Task Force (NJTTF) was created at Headquarters to manage the JTTFs around the country and to provide a venue for collaboration with Intelligence Community personnel to exchange information, analyze data, and plan counterterrorism strategies.

Each of the FBI's 56 Field Offices has a Field Intelligence Group (FIG) composed of Intelligence Analysts, Special Agents, and Staff Operations Specialists (SOS). FIGs, which did not exist prior to 2001, now have 1,662 Intelligence Analysts, 451 Special Agents, and 415 SOSs. The mission of the FIGs is to identify the threats in their respective territories and develop "domain awareness" through collecting, exploiting, analyzing, and disseminating intelligence.

Intelligence-driven investigations require a unity of effort with partners overseas, especially as global cooperation becomes increasingly necessary to combat terrorism. Through the 62 Legal Attaché offices around the world (an increase of 18 since 2001), the FBI has strengthened relationships with international partners. This expanded global reach not only benefits FBI's foreign partners, but also aids FBI collection efforts and investigations.

The FBI has a leading role in HUMINT collection in the United States. Simply defined, HUMINT is information learned from individuals. People are an invaluable source of intelligence and FBI Special Agents have a long history of developing human sources to uncover criminal conduct and foreign intelligence activities. With the expanded national security mission, the need for and value of HUMINT in understanding our adversaries and developing the threat picture has increased significantly. FBI Headquarters develops policies, training and oversight to ensure adherence to policy directives, and to ensure that information collected is accurate, authentic, reliable, free of undisclosed influence, and consistent with mission objectives across all FBI programs.

Collecting intelligence through physical surveillance is also critical for monitoring threats to our national security. The FBI's Physical Surveillance Program, which was consolidated into one division in 2010, consists of both armed and unarmed Mobile Surveillance Teams and the Field Aviation Program. The armed teams conduct surveillance of armed and dangerous counterterrorism and criminal targets with a propensity for violence. To meet the growing demand for surveillance, the Bureau has increased the number of unarmed surveillance teams by 127% since 2001.

Forensics is another critical source of intelligence. The FBI has earned a global reputation of having premier forensic examiners. Working with interagency partners, the FBI is applying and expanding upon traditional forensic capabilities in support of the counterterrorism mission. The FBI also leads an interagency group based at the FBI Laboratory in Quantico, Virginia, that supports DOD operations in Iraq and Afghanistan: the Terrorist Explosive Device Analytical Center (TEDAC). Established in 2003, funded primarily by the Department of Defense's Joint IED Defeat Organization (JIEDDO), TEDAC is staffed by approximately 230 fulltime government and contract personnel who coordinate and manage a unified intelligence, military, and law enforcement effort to examine improvised explosive devices (IEDs) that are of interest to the United States.

The FBI's use of Foreign Intelligence Surveillance Act (FISA) authorities is an important component of intelligence collection which is subject to a comprehensive oversight and compliance regime in which all three branches of government play a role. The Foreign Intelligence Surveillance Court (FISC) ensures that Constitutional and statutory requirements are met related both to authorization and implementation of the use of the authorities. The Department of Justice's National Security Division, in conjunction with the FBI's Office of the General Counsel, conducts oversight of the FBI's use of FISA authorities to ensure compliance both with the statute and minimization procedures. And, on a semi-annual basis, the

Government must report to Congress on its use of FISA electronic surveillance, physical search and pen register and trap and trace authorities and submit a detailed annual report on its use of the business record authority.

Publicly available information is also an invaluable source of intelligence that is often overlooked by intelligence analysts in favor of classified or law enforcement sensitive information. Recognizing a need to include open source information in intelligence analysis, the Director of National Intelligence created an Open Source Center (OSC) in 2005. As part of its efforts to strengthen the open source community, the OSC has detailed an Open Source Officer to the FBI for a year to help the Bureau build its own open source program.

Intelligence Analysis and Dissemination

Intelligence collection is only valuable if it is integrated, analyzed, and disseminated effectively and efficiently. As the Bureau has increased its intelligence collection, it has simultaneously developed the capability to exploit and share it. This function resides with the FIGs. The analysts and agents in the FIGs collect raw intelligence from various sources, including agents in the field and intelligence disseminated by other agencies. Analysts then disseminate the raw intelligence and/or create finished intelligence products for dissemination. Developing an analyst corps was only part of the solution to the Bureau's need to increase intelligence dissemination and production. The analysts also needed the necessary information technology and analytic tools to succeed.

To streamline the dissemination of intelligence contained in Intelligence Information Reports (IIRs), the FBI developed an information technology solution, the Collection Operations and Requirements Environment (CORE). CORE standardizes intelligence reporting across the FBI while integrating field intelligence operations with intelligence community requirements. An additional web-based software application, IIR Dissemination System, streamlines, standardizes, and tracks the production of IIRs, and has improved the Bureau's ability to effectively support our Intelligence Community partners. Since 2004, FBI dissemination of IIRs has increased dramatically, providing critical information to the Intelligence Community, law enforcement community, and policymakers.

The FBI continues to develop information technology solutions to minimize the time that intelligence analysts spend searching for relevant information, allowing them to focus on connecting the dots and analyzing the available information. The Data Integration and Visualization System (DIVS) is the FBI's consolidated, enterprise platform that further enhances both the search capabilities and the breadth of information that can be accessed through a single sign-on. DIVS will unify all data accessible to the FBI -- intelligence, criminal investigative, and other mission data -- through one user-friendly search interface, consistent with all applicable legal requirements pertaining to the data. Currently, DIVS houses records from the 11 FBI and other Government agency data sources identified by users as most critical to the FBI's

counterterrorism mission. The FBI continues to roll-out this system across the FBI and to add datasets and user tools to provide additional functionality. DIVS is built on a modern platform that will easily expand to integrate tools developed internally, by private industry, or by Intelligence Community partners.

Integration into the United States Intelligence Community and Partnerships with Federal, State, Local, and Tribal Law Enforcement

Another key element of the FBI's evolution into an effective national security organization has been augmenting relationships and information sharing with the United States Intelligence Community, as well as Federal, State, local, tribal, and foreign law enforcement partners. The Bureau has accomplished this interconnectivity through the development of and participation in joint operational programs and task forces, expansion of our presence overseas, and through the development of information technology systems that support information sharing.

As mentioned previously, JTTFs are the primary vehicle by which the Intelligence Community and Federal, State, local, and tribal law enforcement are integrated with domestic counterterrorism operations. The JTTFs currently have almost 2,000 non-FBI employees (approximately 44% of all JTTF members). The FBI's integration with the Intelligence Community is further enhanced by joint duty detailee programs through which law enforcement and intelligence professionals from other agencies are embedded in FBI units and FBI employees are embedded in other agencies. Having professionals from different agencies performing their missions side-by-side has broken down communication barriers and enhanced the mutual understanding of each agency's unique contributions to the community.

Currently, the FBI has more than 200 employees working at other Intelligence Community agencies including the Office of the Director of National Intelligence, the NCTC, the Central Intelligence Agency, the Department of Defense, the Department of Homeland Security, the National Security Agency, and the Department of State. NSB employees also fill intelligence-related positions at the National Security Staff at the White House. Similarly, many of the detailees from other agencies work at joint operational entities administratively located within the FBI, such as the Terrorist Screening Center (TSC), the High-Value Interrogation Group (HIG), the Foreign Terrorist Tracking Task Force (FTTTF), and the National Cyber Investigative Joint Task Force (NCIJTF). These joint operational components along with other joint duty assignments and the EAD/NSB's sustained interaction with the Director of National Intelligence ensure that the FBI is a full partner in the Intelligence Community.

In support of the DNI's effort to create a single IC enterprise that is coordinated, integrated, agile, and effective, the FBI and the ODNI piloted, and are in the process of institutionalizing, a Domestic DNI Representative program. Domestic DNI Representatives are senior field FBI officials at designated offices across the United States who serve as the DNI's

principal domestic representative to the IC within their respective areas of responsibility. This program supports the DNI's mission of integrating foreign, military, and domestic intelligence in defense of the homeland and in support of United States national security interests at home and abroad.

Since 9/11, the FBI has evolved to respond to the complex and far-ranging threats we face today. The FBI collects, exploits and disseminates more intelligence to a greater and more useful extent than ever before. This focus on intelligence has helped prioritize our top threats and increased our understanding of our vulnerability to those threats. As the FBI has undergone this transformation, it has remained vigilant in upholding the Constitution, the rule of law, and protecting privacy rights and civil liberties.

Conclusion

Chairman Lieberman and Ranking Member Collins, I would like to conclude by thanking you and this committee for your service and support. I look forward to working with the Committee to improve the FBI as our transformation continues in the future.

I would be happy to answer any questions that you may have.