

**STATEMENT OF ROBERT S. MUELLER, III  
DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION  
BEFORE THE UNITED STATES SENATE  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED  
AGENCIES**

**April 16, 2008**

Good afternoon, Chairman Mikulski, Senator Shelby, and Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the President's FY 2009 budget for the Federal Bureau of Investigation (FBI). I would also like to thank you for your continued oversight of the Bureau and for your efforts to ensure our success as we pursue the shared goal of making America safer.

After the attacks of September 11, 2001, the FBI's priorities shifted dramatically as we charted a new course, with national security at the forefront of our mission. The intervening seven years have seen significant changes at the FBI, and we have made remarkable progress. Today, the FBI is a stronger organization, combining greater capabilities with a longstanding commitment to the security of the United States, while at the same time upholding the Constitution and the rule of law and protecting civil liberties.

**2009 BUDGET REQUEST**

The FY 2009 budget for the FBI totals 31,340 positions and \$7.1 billion, including program increases of 1,129 new positions (280 Special Agents, 271 Intelligence Analysts, and 578 Professional Support) and \$447.6 million. These resources are critical for the FBI to perform its national security, criminal law enforcement, and criminal justice services missions. Most importantly, the additional funding requested will continue to build upon our on-going efforts to integrate and cement our intelligence and law enforcement activities. These resources will allow us to create an awareness of, and become receptors for change in threats, and have the ability to make immediate adjustments in priorities and focus in an environment where national security threats and crime problems are constantly changing and shifting.

Guiding the development of the FBI's budget strategy are six enterprise-wide and interdependent capabilities that the FBI needs to effectively perform its national security, criminal investigative, and criminal justice services missions. These end-state capabilities are:

- É *Domain and Operations*: A mature enterprise capability for employing intelligence and analysis to identify and understand the national security threats and crime problems challenging America, and developing and executing operational strategies to counter these threats and crime problems;
- É *Surveillance*: A surveillance (physical, electronic, human source) and operational technology capability to meet operational requirements;
- É *Partnerships*: An established and productive network of partnerships with local, state, federal, and international law enforcement and criminal justice agencies;

- É *Leveraging Technology*: An enhanced capability for providing forensic, operational technology, identification, biometric, training, and criminal justice services to the FBI workforce and our local, state, federal, and international partners;
- É *Workforce*: A professional workforce that possesses the critical skills and competencies (investigative, technical, analytical, language, supervisory, and managerial), experiences, and training required to perform our mission; and
- É *Infrastructure*: A safe and appropriate work environment and information technology to facilitate the performance of the FBI's mission.

The FBI's 2009 budget strategy builds upon both current knowledge of threats and crime problems and a forward-look to how we anticipate terrorists, foreign agents and spies, and criminal adversaries are likely to adapt tactics and operations in a constantly evolving and changing world. This forward-look helps inform and determine the critical operational and organizational capabilities the FBI must acquire over the same time period to remain vital and effective in meeting future threats and crime problems.

We also linked our budget plan to the FBI's Strategy Management System to ensure the investments in new resources were tied to our strategic vision and goals.

I will highlight some of the key components of our budget request below.

## **DOMAIN AND OPERATIONS**

In order for the FBI to be successful, we must be able to fully utilize our intelligence analysis techniques to establish a mature enterprise capability for identifying and understanding the national security threats and crime problems facing the United States, and to develop and execute operational strategies to counter these threats and problems.

This budget requests 568 new positions (190 Special Agents, 158 Intelligence Analysts, and 220 Professional Support) and \$131.0 million to improve intelligence analysis and conduct intelligence-driven terrorism investigations and operations. These resources will enable the FBI to conduct investigations to prevent, disrupt and deter acts of terrorism and continue to strengthen working relationships with our federal, state and local partners; provide support to the National Virtual Translation Center, which serves as a clearinghouse to facilitate timely and accurate translation of foreign intelligence for elements of the Intelligence Community; leverage and expand existing Foreign Terrorist Tracking Task Force (FTTTF) operations to support all National Security Branch (NSB) mission areas to include Counterintelligence, Weapons of Mass Destruction (WMD), Domestic and International Counterterrorism, and Intelligence; and address growth in the number of terrorism and counterintelligence-related computer intrusion cases.

The National Counterterrorism Center's WMD Threat Assessment, 2005 to 2011 reaffirmed the intent of terrorist adversaries to seek the means and capability to use WMD against the United States at home and abroad. Within the U.S. Government, the FBI has been assigned responsibility for Render Safe operations involving WMD in the National Capital Region and for the rendering safe of deliberate deployments of WMD throughout the remainder

of the United States. To carry out its critical responsibilities in the area of WMD, the FBI must continue to build the capacities and capabilities of its Render Safe Program while ensuring that the FBI is adequately staffed and equipped to forensically respond to a terrorist incident, whether it be Chemical, Biological, Radiological, or Nuclear. The FBI's FY 2009 budget includes 132 positions (43 Special Agents and 89 Professional Support) and \$65.8 million to enhance the FBI's capabilities to prevent, prepare for, and respond to the threat of WMD. These resources will allow the FBI to enhance strategic partnerships with foreign intelligence, law enforcement, security, public health, agricultural, chemical, and other public and private sector agencies and organizations that are vital to the early detection of a potential WMD incident.

The FBI's FY 2009 budget for Domain and Operations also includes an enhancement of 211 positions (35 Special Agents, 113 Intelligence Analysts, and 63 Professional Support) and \$38.6 million to support investigative, intelligence, and technical requirements of the Comprehensive National Cybersecurity Initiative.

The threat of cyber-related foreign intelligence operations to the U.S. is rapidly expanding. The number of actors with the ability to utilize computers for illegal, harmful, and possibly devastating purposes continues to rise. Cyber intrusions presenting a national security threat have compromised computers on U.S. Government, private sector, and allied networks. The FBI is in a unique position to counter cyber threats as the only agency with the statutory authority, expertise, and ability to combine counterterrorism, counterintelligence, and criminal resources to neutralize, mitigate, and disrupt illegal computer-supported operations domestically. The FBI's intelligence and law enforcement role supports response to cyber events at U.S. government agencies, U.S. military installations, and the broader private sector.

## **SURVEILLANCE**

Shifting from a reactive criminal prosecution approach to a prevention and intelligence-driven focus in our counterterrorism program is taxing the FBI's capacity to gather intelligence through both physical and electronic surveillance. The capacity to carry out extended covert court-authorized surveillance of subjects and targets is absolutely critical to the FBI's counterterrorism and counterintelligence programs. Surveillance activities ó physical and electronic ó give us insight into and awareness of our adversaries, which, in turn, create opportunities to identify sleeper cells, disrupt support networks and communications, and recruit assets. We need a vigorous surveillance capacity to keep on top of known and emerging targets. Additionally, we must be able to develop and deploy new operational technologies and techniques to counter a more technically sophisticated adversary and to exploit and share the information we gather.

In FY 2009, we seek an enhancement of 145 positions (10 Special Agents and 135 Professional Support) and \$88.5 million to strengthen surveillance capabilities. These resources will enable the FBI to increase the number of physical surveillance teams; replace aging surveillance aircraft; develop new techniques and tools to address emerging technologies; meet demands for new audio and data collection and upgrade or replace obsolete digital collection system equipment and components; and develop new techniques and tools for tactical operations.

## **PARTNERSHIPS**

The FBI prides itself on establishing and maintaining a productive network of partnerships with local, state, federal, and international law enforcement and criminal justice agencies. In order to do this, we must enhance our capability and capacity to collect, manage, analyze, and share information within the FBI and with our Intelligence Community (IC), law enforcement, and allied partners. The FY 2009 budget includes 3 positions (2 Special Agents and 1 Professional Support) and \$5.7 million to expand the FBI's presence overseas to obtain intelligence relative to threats involving the homeland; open and staff a new Legal Attaché office in Algiers, Algeria, which will address a significant number of counterterrorism cases and leads in that region; and enhance the FBI's ability to participate in state and local intelligence Fusion Centers, which have become an important component in maintaining the flow of information between and within Federal, State, local, and Tribal governments.

## **LEVERAGING TECHNOLOGY**

Technology is the cornerstone to fulfilling the FBI mission as well as creating efficiencies for both FBI personnel and our Intelligence and Law Enforcement Community partners. Leveraging technology will allow the FBI to provide forensic, analytical, and operational technology capabilities to FBI investigators and analysts, law enforcement officers, and the intelligence community. Without enhanced resources to invest in applied research, development, knowledge building, testing, and evaluation, the FBI will not be able to take advantage of emerging technologies or adapt to a constantly changing and evolving threat and operational environment.

For example, the use of DNA technology continues to be an important tool for law enforcement; it not only helps identify suspects, but it can also be used to ensure innocent persons are not wrongly convicted of a crime. The FBI Laboratory continues to support forensic exploitation analysis for FBI investigations, state and local cases, and terrorist identification from Improvised Explosive Devices (IEDs) obtained from in-theater operations in Iraq and Afghanistan. The FBI's FY 2009 budget includes 52 Professional Support positions and \$32.1 million for DNA-related initiatives and enhanced counterterrorism and forensic analysis support for FBI investigations. The failure to provide timely examination results can affect information available for prosecutors during trials or negotiating plea agreements, or can cause a delay in the gathering of intelligence to support the identification of terrorists and their associates, which could impact the safety of the U.S. troops overseas. By enhancing the forensic capabilities of the FBI Laboratory, the FBI will be better positioned to solve crimes and offer assistance to partner law enforcement agencies.

The FBI must also keep pace with evolving technology. Currently, all wireless carriers in the United States are upgrading their networks to 3<sup>rd</sup> Generation wireless technology. This upgrade will radically transform voice, internet, email, short message service, multimedia services and any future services from circuit-switched data to packet transferred data. The FBI, along with the rest of the Intelligence Community, has created a Joint Wireless Implementation

Plan, which will allow us to provide the field with advanced tools and technologies as well as provide adequate training on the use of duly authorized wireless intercept and tracking tools. The FY 2009 budget includes \$4.1 million to assist us in keeping abreast of this cutting edge technology and the ability to counter the technology posed by our adversaries.

## **WORKFORCE**

The FBI remains committed to a professional workforce that possesses the critical skills and competencies (investigative, technical, analytical, language, supervisory, and managerial), experience, and training required to perform our mission. With an expanding mission and a growing workforce there will be an increase in workforce-related challenges that need addressing. We must be able to attract strong candidates to fill Special Agent, Language Analyst, Intelligence Analyst, and Professional Support positions, bring these candidates on-board in a timely manner, and provide them with professional training.

The FY 2009 budget includes 18 positions and \$43.6 million to address these workforce requirements, including resources for National Security Branch Training, which will enable the FBI to expand the number of Domestic Human Intelligence (HUMINT) Collection Courses, develop and deliver a HUMINT training program that specifically addresses terrorist organizations, and provide training to Cyber investigators on national security-related computer intrusions; the Foreign Language Proficiency Pay Program (FLP3), which will dramatically increase the FBI's recruitment and retention of highly qualified language professionals, especially those with expertise in Arabic, Urdu, and Chinese; pay modernization efforts, which will align FBI efforts more closely to the pay modernization plans established by the Office of the Director of National Intelligence (ODNI); and the FBI's Personnel Security Program, which will expedite the investigation, adjudication, and polygraph examination for prospective FBI employees and contractors.

As a leader in the Intelligence and Law Enforcement Communities, the FBI must be equipped to hire, train, and pay the specialized cadre of personnel that the FBI employs.

## **INFRASTRUCTURE**

Critical to the success of the FBI's mission are safe and appropriate work environments and state-of-the-art information technology (IT). Over the years, the FBI has made substantial investments to upgrade its information technology architecture, including the purchase of computer workstations and software for employees and networks for connectivity both within the FBI and with external partners. Additionally, the FBI is moving forward to invest in upgrading field and training facilities to ensure secure and adequate workspace. However, the FBI still faces gaps in its capacity to support all of its critical projects and initiatives. Continued investments are needed to close the gaps to ensure the availability of critical FBI IT systems, applications, facilities, and data in the event of a disaster. The FY 2009 budget includes \$38.2 million to continue to develop facilities and IT support and services.

The FBI prides itself on its ability to share information in a timely manner. The FY 2009 budget includes resources to enhance and extend the unclassified network (UNet) and integrate it with the Law Enforcement Online, as well as upgrade our IT disaster recovery locations. This funding will enable the FBI to increase information sharing capabilities within the Bureau as well as with outside entities, like the Intelligence Community. Additionally, this funding will support the creation of backup IT capabilities to be available in the event of a catastrophic disaster.

The FBI's budget also includes upgrades to our field facility infrastructure, expansion of the FBI Academy, and security for field office expansion. The FBI is in dire need of adequate space for FBI personnel and the large number of FBI-led, multi-agency task forces such as Joint Terrorism Task Forces, Safe Streets Task Forces, Health Care Fraud Task Forces, and Field Intelligence Groups. These resources will support the FBI's facility requirements to ensure adequate, safe, and secure working environments. The budget also includes resources to consolidate FBI records at the Central Records Complex (CRC). The CRC will enable us to efficiently locate and access all of our records quickly, thus allowing us to more effectively process name checks.

### **STRATEGIC EXECUTION TEAM: IMPROVEMENT OF FBI'S INTELLIGENCE PROGRAM**

Before closing, I would like to tell the Committee about our Strategic Execution Team (SET) and describe some of the changes that team has brought about toward improving FBI intelligence activities. This team exemplifies the commitment of the men and women of the FBI to successfully integrating our intelligence and law enforcement activities.

We recently completed a comprehensive self-assessment of our intelligence program and concluded that we need to move further and faster to enhance our capabilities. In consultation with the President's Intelligence Advisory Board, we began working to examine how we can accelerate our progress and we have identified a number of areas where we are focusing our efforts.

We have created a SET of field and headquarters personnel to help drive implementation of needed changes across the organization. The SET team includes approximately 90 agents, analysts, and other professional staff, from FBI Headquarters and roughly 27 field offices. This team has focused its initial efforts on three critical areas: intelligence operations, human capital, and program management.

With the guidance of the SET, we are restructuring our Field Intelligence Groups (FIGs), so they can better coordinate with each other, with street agents, and with analysts and agents at FBI Headquarters. Drawing from the best practices we identified, we have developed a single model under which all FIGs will function, to increase collaboration between intelligence and operation, and to provide accountability for intelligence gathering, analysis, use, and production. The model can be adjusted to the size and complexity of small, medium, and large field offices.

To enhance our collection capabilities, we are taking a two-pronged approach. First, we must ensure we are taking full advantage of our current collection capabilities in terms of what we know through our case work, and what we could know if we asked our existing source base the right questions. Tactical analysts will work with investigative squads, in all program areas, to ensure that collection plans are executed, and to help squads identify opportunities to address the intelligence requirements of the office.

Second, to enhance the picture of a threat developed through our investigations, the FIG will include a team of specially trained agents who will collect intelligence to meet requirements, conduct liaison with local partners, and focus on source development.

In terms of human capital, we have refined the Intelligence Analyst career path, including training, experiences, and roles that are required to develop a cadre of well-rounded and highly proficient analysts. We have also established core intelligence tasks for all Special Agents, further defined the Special Agent intelligence career path, and tailored individual development plans for all agents. Finally, we have developed a university recruiting program to hire additional intelligence analysts with targeted skill sets. We received hundreds of applications as a result of this effort.

We in the FBI are mandated by the President, Congress, the Attorney General, and the Director of National Intelligence to protect national security. For nearly 100 years, the FBI has used intelligence to solve cases; today, however, we rely on our agents and analysts working hand-in-hand with colleagues across the country and around the world to collect intelligence on multiple, inter-related issues. With the authority and guidance provided by the Intelligence Reform and Terrorism Prevention Act and other directives and recommendations, the FBI has implemented significant changes to enhance our ability to counter the most critical threats to our security.

Today, we are building on our legacy and our capabilities as we focus on our top priority: preventing another terrorist attack. It is indeed a time of change in the FBI, but our values can never change. We must continue to protect the security of our nation while upholding the civil rights guaranteed by the Constitution to every United States citizen.

When I speak to Special Agents upon their graduation from the FBI Academy, I remind each one that it is not enough to prevent foreign countries from stealing our secrets ó we must prevent that from happening while still upholding the rule of law. It is not enough to stop the terrorist ó we must stop him while maintaining civil liberties. It is not enough to catch the criminal ó we must catch him while respecting his civil rights. The rule of law, civil liberties, and civil rights ó these are not our burdens; they are what make us better.

## CONCLUSION

Madam Chairman, I would like to conclude by thanking you and this Committee for your service and your support. Many of the accomplishments we have realized during the past seven years are in part due to your efforts and support through annual and supplemental appropriations.

From addressing the growing gang problem to creating additional Legal Attaché offices around the world, and, most importantly, to protecting the American people from terrorist attack, you and the Committee have supported our efforts.

On behalf of the men and women of the FBI, I look forward to working with you in the years to come as we continue to develop the capabilities we need to defeat the threats of the future.