

ERRATA

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A REVIEW OF THE RELATIONSHIP BETWEEN A DEPARTMENT OF HOMELAND SECURITY AND THE INTELLIGENCE COMMUNITY

HEARINGS

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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JUNE 26 and 27, 2002
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**Responses to Questions for the Official Record
from the Hon. Robert S. Mueller, III
Director, Federal Bureau of Investigation**

**“A Review of the Relationship Between a Department of Homeland Security
and the Intelligence Community”**

June 27, 2002

The following are both questions and answers for the additional questions submitted by Senator Akaka following the above referenced hearing:

1. You have indicated that the FBI will recruit and hire about 900 new agents. What types of skills are you seeking, and how are you reorganizing the current workforce as the agency shifts from combating crime to terrorism prevention?

A. The FBI is attempting to hire approximately 927 new Agents by September 30, 2002. Special Agent candidates with critical skills in science, engineering, computer science, and foreign languages are being sought. The FBI has determined that approximately 20 percent of the new Agents should have backgrounds in computer science and information technology; approximately 10 percent should have education and experience in physical and natural sciences; and, another 10 percent should possess a background in various fields of engineering. Further, it would be advantageous for about another 20 percent to have a foreign language proficiency in our priorities of Arabic, Farsi, Pashtu, Urdu, Japanese, Korean, Russian, Spanish, Vietnamese, and all dialects of Chinese. The remainder of our Special Agent candidates will be drawn from other such priority backgrounds as foreign counterintelligence, counterterrorism, and military intelligence, in addition to recruiting candidates with the more traditional background of law enforcement, law, and accounting.

The FBI's Special Agent Hiring Plan focuses on recruiting to these specialty needs, and has prioritized the processing of those candidates who possess these critical skills. A few months ago, the FBI implemented its on-line application capability on the internet. Tens of thousands of applications have been received for the Special Agent position. The on-line system allows candidates to "self-identify" their skill areas. Those candidates who "self-identify" a critical skill, are immediately sent to the appropriate field office for priority processing. These applicants are in addition to those who are recruited by our field offices. The FBI is optimistic about its ability to recruit sufficient numbers of qualified candidates.

Due to the events of September 11, 2001, the FBI has devised a comprehensive plan to reorganize the current workforce, to shift the focus from combating crime to terrorism prevention. The reorganization has been approached in two phases. Phase One dealt with the upper levels of headquarters management. Four new Executive Assistant Director positions were created to oversee counterintelligence and counterterrorism; criminal investigations; law enforcement services; and, administration. The Cybercrime Division was established to address criminal investigations of intellectual property, high tech, and computer crimes. A Security Division, which is headed by a CIA detailee, was established to ensure the integrity of FBI employees, contractors, visitors, information systems, and facilities.

Also, Phase One established four new offices to address significant issues relating to information technology, intelligence, records management, and law enforcement coordination with our state and local partners. The Office of Law Enforcement Coordination was developed to improve FBI coordination and information sharing with state and local law enforcement and public safety agencies. A Chief Information Officer position was created to be responsible for overseeing the implementation of the FBI's Trilogy project and related information technology projects. Modernization of the FBI's information technology infrastructure is critical to our ability to perform our core investigative missions and must receive top executive attention. The Office of Information Management was developed to modernize FBI records and knowledge management processes and policies. The Intelligence Office was established to oversee the FBI's intelligence program. Enhancing our intelligence and analytical capabilities is critical to accomplishing our prevention mission, particularly in the counterterrorism and counterintelligence areas.

Phase Two has dealt with the significant alteration of the deployment of Special Agents in the field. A total of 518 Agents will be redirected from Drugs, White Collar Crime, and Violent Crime squads to work Counterterrorism in the field, and staff the Training Division and newly created Security Division at FBI headquarters. Drug squads will lose 400 Agents; White Collar Crime squads will lose 59 Agents; and, Violent Crime squads will lose 59 Agents. Counterterrorism squads will gain 480 of those Agents while the Training and Security Divisions at FBI headquarters will gain 38 of those Agents.

Also, Phase Two encompasses the shift in counterterrorism philosophy from a reactive to a proactive approach. The FBI is developing Terrorism Analytical Sections at FBI headquarters to substantially enhance analytical capabilities with personnel and technology. Similarly, a Terrorism Financial Review Section has been developed to follow the money trail.

Joint Terrorism Task Forces have been, and are being, developed at field offices to foster cooperation with state and local law enforcement agencies. Overseas partnerships are being established via the Foreign Terrorism Tracking Task Force. Additionally, measures are being taken to enhance counterterrorism training for FBI Agents and law enforcement partners.

2. The FBI is undergoing a dramatic shift in missions and priorities. Moreover, the demarcation between the CIA and the FBI is blurring. We know that a department's culture is an extension of its career personnel and the agency's core missions. How are your senior managers adjusting, and how are you communicating these changes throughout the FBI?

A. September 11, 2001, triggered a wide-range of organizational and operational changes within the FBI. For instance, new Divisions and Offices have been created at FBI headquarters. There have been shifts in personnel to fill some of those upper level management positions. Some individuals were brought in from other agencies and the private sector to head some of those offices.

These changes are vital to ensuring that the FBI effectively satisfies its national security, prevention, and criminal investigative missions. They represent important steps in the difficult process of change. But what emerged from the events of September 11, 2001, leaves no doubt about the need for the urgency for change.

The 27,000 men and women of the FBI were as devastated as anybody by the attacks of September 11th, and they remain deeply affected. With this has come the conviction to do everything within our power to reduce the risks that Americans run in the exercise of their freedoms.

It is to this goal that all of the organization reforms, technology, and new personnel are committed. But ultimately, standing behind all the capabilities that we have now and that we are working to build is a cadre of FBI professionals, men and women who exemplify courage, integrity, respect for the law, and respect for others.

In answer to the second part of your question, the changes, and proposed changes, are communicated throughout the FBI in several methods. The FBI Director has a management team, consisting of upper level management, which assists him in disseminating information to all employees. This is accomplished via electronic mailings and the FBI intranet, which contains the Director's Weekly Report. All FBI employees have access to electronic mailings and the FBI intranet, which is an internal website. Also, information is disseminated through the various FBI advisory committees, which includes: the Special Agent in Charge Advisory Committee; the Mid-Management Advisory Committee; the Administrative Officers Advisory Committee; the Special Agent Advisory Committee; the Female Special Agent Advisory Committee; the Computer Specialist Advisory Group; and, the Advisory Committee for Support Employees of the FBI.

3. In response to my question to you on the need for whistleblower protection for employees at the new Department of Homeland Security, you indicated that when you receive a whistleblower disclosure at the FBI, that you notify the Inspector General (IG). However, FBI regulations state that while the IG may receive a disclosure, as well as other offices in the Department of Justice, the FBI Office of Professional Responsibility investigates the matter.

In addition, reprisals for making a protected disclosure may be investigated by the IG's Office, but the Attorney General may designate that the Department of Justice Office of Professional Responsibility investigate the matter. In light of this situation, what is your opinion of requiring IG notification and investigation of disclosures and retaliations at the FBI and the proposed Department? Do you believe that employees at the new Department should have whistleblower protections similar to the FBI or full whistleblower protection under title 5?

A. I fully support the Attorney General's expansion of the jurisdiction of the Department of Justice's Office of Inspector General (OIG) in AG Order No. 2492-2001 last summer. See 66 Fed.Reg. 37902 (July 20, 2001). Pursuant to the Attorney General's order, OIG now has the authority to conduct criminal and administrative investigations throughout the Department of Justice.

The Attorney General's order also provides that any protected disclosure made by an FBI employee to an appropriate receiving official or entity, as defined in 28 C.F.R. § 27.1, must be forwarded by that official or entity to either OIG or to the Department's Office of Professional Responsibility (DOJ/OPR). The Order also provides that OIG or DOJ/OPR may refer such allegations to the Federal Bureau of Investigation's Office of Professional Responsibility (FBI/OPR) for investigation unless the Deputy Attorney General determines that such a referral shall not be made. 28 C.F.R. § 0.29d(a). Thus, under the Attorney General's Order, it is OIG or DOJ/OPR that determines whether to retain investigative responsibility regarding a protected disclosure or refer it to FBI/OPR for investigation.

As you know, I have personally expressed my firm commitment to the protection of employees who report organizational wrongdoing. In a memorandum issued on November 7, 2001, and sent to all employees by e-mail, I emphasized the importance of the freedom to expose any impropriety within the Bureau without reprisal, so as to further the Bureau's high standards of organizational performance and conduct. I reiterated my commitment to the protection of Bureau employees who exercise their right to expose any alleged acts of wrongdoing within the FBI in an announcement to all FBI employees on June 14, 2002. I believe the existing Department and Bureau procedures for investigating protected disclosures, as enhanced by the Attorney General's Order, fully protect the rights of Bureau employees who report organizational wrongdoing as well as the ability of the Bureau to investigate and respond expeditiously to such disclosures.

Regarding my opinion concerning whistleblower protection at the proposed Department of Homeland Security, I respectfully defer to Director Ridge on that issue.

4. Do you believe that the employees who perform national security or intelligence functions should be excluded from collective bargaining rights, and if so, please explain your response?

A. FBI employees are precluded from collective bargaining because of the FBI's mission. FBI personnel cannot be permitted to strike, or otherwise impede the FBI's daily efforts to address national security and intelligence responsibilities.

5. Do you believe that counter intelligence or counter terrorism should be a separate career track for FBI Agents, including having different recruitment characteristics than those involved in criminal investigations?

A. The FBI has a recruitment strategy in place whereby Special Agent candidates with critical skills in science, engineering, computer science and foreign languages are being sought. Once a Special Agent completes the 16 week Academy at Quantico, Virginia, they are assigned to a field office in accordance with the current needs of the Bureau. The Special Agent

is on probation for the first two years and given an opportunity to put into practice all that was taught at the FBI Academy. Consideration is given to the desires of the Special Agent when assigned to a working squad in the field office, but the current needs of that field office are the overriding factors. As the Special Agent develops in the field, more and more opportunity is provided to allow the Agent to begin to specialize in an area that suits the Agent's skills and interest.

The Counterterrorism Division does not believe that having a separate career path for counterterrorism Agents versus criminal Agents is an advantage to the program. The Counterterrorism Division, in addition to preventing terrorism, must also be responsible for supporting the prosecution of those who commit acts of terrorism. The criminally trained agent is necessary to bring an intelligence case to fruition in the American justice system. The knowledge that the criminal Agent brings to the Counterterrorism Division is essential to the overall mission of the CTD. To have two separate career paths among Special Agents in the FBI, at this point in time, would not be advantageous.

6. In response to one of my questions, you recommended against including the FBI Director as a member of the National Security Council (NSC) since the Director is invited to participate when the Council discusses law enforcement issues. However, in your testimony before the House Appropriations Committee on June 21, 2002, you said the first priority of the FBI is to protect and defend the United States against terrorism and foreign intelligence threats. Given link between law enforcement and counter terrorism efforts, why should the FBI participate only during law enforcement discussions before the NSC?

A. I did not mean to suggest that the FBI's participation in the NSC process was limited to law enforcement matters. The FBI is regularly invited to participate in NSC discussions concerning terrorism, counterintelligence, and any other issues which involve the FBI, in addition to law enforcement issues. I am confident that practice will continue. However, the NSC routinely discusses other issues, such as foreign policy and defense matters, which do not involve the FBI. For this reason, I do not think it would be useful to make the Director of the FBI a permanent member of the NSC.

7. While considerable progress is being made on information sharing among federal, state, and local authorities, questions remain. How is intelligence on terrorism currently shared with appropriate state and local authorities? Who decides what information to provide?

A. The FBI has made significant progress with respect to sharing intelligence on terrorism with our state and local counterparts.

Currently, the FBI is operating Joint Terrorism Task Forces (JTTF) in all 56 field offices, covering every state and territory. The JTTF is currently the most effective and efficient method of direct intelligence sharing. On these JTTFs, state and local police, and in some cases other appropriate local agencies, work side by side with FBI Agents. In the case of an operating JTTF, the participants have access to the same information as their FBI counterparts, so no particular decision as to what information can be shared need be made.

The FBI has made a concerted effort to establish JTTFs in areas most likely to be impacted by terrorism. In most cases, these are the larger urban areas where there is an FBI field office or large Resident Agency. In those areas not covered, or where state and local authorities cannot participate, the FBI relies on personal contacts with chiefs of police or sheriffs to facilitate the flow of information. In cases where there is an exigent need to share intelligence, a Supervisory Special Agent, Assistant Special Agent in Charge, or Special Agent in Charge will make a determination, based upon sensitivity and level of classification, what can appropriately be shared.

Though not under the auspices of the FBI, in many jurisdictions the United States Attorney's Anti-Terrorism Task Forces (ATTF) serves as a facilitator for the flow of information to other agencies. There are currently 90 such ATTFs. In many districts, the JTTFs and ATTFs compliment each other with the JTTF providing the operational law enforcement component and the ATTF providing an information resource for state and local authorities, particularly on unclassified matters. The FBI works closely with the United States Attorney Offices to ensure the ATTFs have the benefit of appropriate FBI information for dissemination.

In addition to JTTFs and personal contacts, the FBI has significantly expanded its flow of intelligence to state and local authorities through such mediums as the National Law Enforcement Telecommunications System (NLETS) and via the Internet through Law Enforcement On Line (LEO). NLETS has long been an effective means of delivering information and intelligence to the law enforcement community. LEO provides a secure means of transmitting non-classified information and intelligence via the Internet to a wide range of law enforcement recipients and, among other notices, publishes the Weekly Intelligence Bulletin. The FBI is currently studying a wide range of possibilities for interconnectivity of systems and horizontal information sharing which would greatly enhance information sharing capabilities. In order to further these initiatives, the FBI has created an Office of Law Enforcement Coordination and has also appointed an FBI executive for the express purpose of implementing a National Intelligence Sharing (NIS) initiative. Decisions regarding the sharing of intelligence and information via systems such as NLETS and LEO are made by the FBI's Counter Terrorism Division in conjunction with the Office of Public and Congressional Affairs.

Another important but often overlooked vehicle for delivering intelligence is training. The FBI has provided extensive briefings and training on terrorism related topics to state and local police and other appropriate agencies, such as fire departments, emergency medical services, and other first responders, nationwide. The flow of information has included a full range of unclassified information on domestic and international terrorism.

8. In your written testimony, you noted that before September 11, 2001, FBI analytical capabilities were inadequate. To augment existing staff, the CIA has detailed intelligence analysts to the Office of Intelligence. You also noted that the FBI has refocused its priorities, is reallocating its resources, and is reviewing its hiring and training processes. How do you plan to recruit intelligence analysts with the specific skills that the FBI needs to fulfill its refocused mission? How is the FBI training its existing workforce to carry out these new priorities?

A. Prior to the attacks of 9/11/2001, the FBI realized a need to strengthen our intelligence program. Specifically, the Bureau established new education and experience requirements for individuals applying for intelligence analyst positions (intelligence research specialists and intelligence operations specialists). Enhancements include the requirement for a bachelor's degree from an accredited college or university for applicants to intelligence analyst positions. In addition, specialized experience requirements have been strengthened to include intelligence analysis and/or production; intelligence collection and/or operations; counterintelligence, terrorism, criminal production; criminal matters, and/or threat support. In short, we are far more specific in our experience requirements than in the past.

Both the education and specialized experience requirements have helped the Bureau focus on recruitment of candidates who possess strong skills in the areas of intelligence, terrorism, and criminal matters. Recent recruitment efforts to fill a large number of support positions, including those in the intelligence field, have yielded viable candidates with the backgrounds required to help better focus on counter intelligence and terrorism. Many candidates have military and/or academic backgrounds which are indicative of the experience required to perform intelligence research and analysis functions.

Beyond initial recruitment, the Bureau is devoting resources to expedite the review of all applicants for FBI positions including intelligence analysts.

9. As you mentioned, there are mechanisms for intelligence coordination. The Director of Central Intelligence's Counter Terrorism Center (CTC) and the FBI's National Joint Terrorism Task Forces play important functions in interagency information sharing. If a Department of Homeland Security is created, what changes would you recommend to current information sharing mechanisms?

A. The National Joint Terrorism Task Force (NJTTF), mission is to create and sustain a multi-agency Joint Terrorism Task Force (JTTF) at FBI headquarters and all fifty-six (56) field offices, consisting of personnel from the intelligence, law enforcement (state, local and other federal), and public safety community. Sustain an environment for multi-agency information collaboration and efficient sharing between the FBI, the intelligence, the law enforcement, and public safety community nationwide. Coordinate topical terrorism projects involving all 56 JTTFs, collecting and correlating the terrorism information at FBI headquarters for dissemination to applicable Terrorism Units, JTTFs, and other agencies. Manage the financial, administrative, resource, and staffing requirements for all JTTFs.

The function of the NJTTF supports the Domestic and International Terrorism responsibilities of the Counterterrorism Division and provides administrative oversight for the 56 field office JTTFs. Transferring the NJTTF to the Department of Homeland Security would not be advantageous, such a move would be counter-productive to the NJTTF's function, severely impacting the NJTTF ability to inter-act daily with components of the Counterterrorism Division. Transferring the NJTTF to the Department of Homeland would diminish the NJTTF's role in combating terrorism.

10. According to the Administration, the proposed Department of Homeland Security would analyze both finished and raw intelligence from many different agencies. However, the linkage of these capabilities takes years to develop. Moreover, the transition of the new Department may create new intelligence vulnerabilities. Do you believe the Department's transition may create new analytical vulnerabilities, and if so, how could these vulnerabilities be overcome?

A. It probably will take some time before proposed Department of Homeland Security will be able to fully execute its mission of providing integrated threat assessments, even if it recruits experienced counterterrorism analysts from the Intelligence Community. This need not result in vulnerabilities, however. The FBI and Intelligence Community's analytical units should be able to fill any intelligence gaps until the department's intelligence unit is fully operational.

**Responses to Questions for the Official Record
from the Hon. Robert S. Mueller, III
Director, Federal Bureau of Investigation**

**“A Review of the Relationship Between a Department of Homeland Security
and the Intelligence Community”**

June 27, 2002

The following are both the questions and answers for the additional questions submitted by Senator Max Cleland following the above referenced hearing:

1. **Question:** Shortly after September 11th, El Al gave a briefing to members of the Commerce Committee. At that briefing El Al recommended a security model to the U.S. that puts the government in control of a multi-layered security net that relies on the sharing of information all the way up the ladder-- from the screener who checks passengers and baggage to the airport operator, all the way up to the top government officials in the Israeli chain of command.

Do you believe the U.S. should take a page from the El Al book and ensure the coordination of intelligence information throughout the layers of our aviation system, including our screeners, law enforcement personnel, federal airport directors, the Transportation Security Administration, the new Homeland Security Department, and our central intelligence agencies? If so, who do you believe should coordinate and disseminate the information?

Answer: This question would be more appropriately answered by the Department of Transportation and the Transportation Security Administration, especially since the FBI is unfamiliar with the specific security model that El Al recommended to the Commerce Committee. We do, however, see significant merit in passenger and baggage screeners, airport operators and airport law enforcement personnel all being informed of aviation threat information to effectively perform their jobs. A coordinated, two-way information flow between the U.S. government and the aviation industry seems paramount to creating a successful, multi-layered security net at our nation's airports.

2. **Question:** In your view, what can we do legislatively, as we create this new Department, to ensure better coordination and communication between law enforcement and public health agencies in the event of a crisis?

Answer: It is essential that the U.S. Government execute the CONPLAN authorities and requisite structure to coordinate the necessary response to a bioterrorism incident, whether it be overt or covert, just as would be done in response to other weapons of mass destruction threats. The CONPLAN ensures that the proper interagency notifications are made and that structures are put into place to coordinate joint law enforcement and epidemiological investigations. A bioterrorism incident is an intentional act that has both

national security and public health implications. Determining the extent of the crisis is essential to both the Federal Bureau of Investigation (FBI) and Department of Health and Human Services' (HHS) response activities, requiring timely notification and joint investigations.

The requirement for cooperation and communication between law enforcement and public health should not be a challenge to legislators. It is the responsibility of the involved agencies, the FBI and HHS/Centers for Disease Control (CDC), to continue to pursue and foster cooperative initiatives, including the timely sharing of law enforcement/intelligence and medical surveillance information.

The FBI has worked closely with a number of Federal, State, and local emergency response agencies prior to 9/11 and the anthrax incidents. A key component of this effort has been the relationship between the FBI and CDC. For the last three years, the FBI and CDC have coordinated to develop bioterrorism threat assessment notification and joint participation in training conferences and seminars. Perhaps the most significant partnership between the two agencies was the creation of the Laboratory Response Network for Bioterrorism (LRN). The LRN established a biological testing capability in each of the 50 states through existing Public Health laboratories, using CDC protocols that are consistent with FBI evidentiary and chain of custody requirements. The FBI believes that these initiatives with the CDC were an essential reason why the index case in Florida was identified and timely notifications were placed to the appropriate State Public Health, CDC, and FBI personnel.

We are dedicated to interagency planning and are applying lessons learned from the Anthrax investigation to clarify respective response roles and refine protocols for cooperation and information sharing in the event that an epidemiological investigation involves a suspected bio-terrorism incident. In addition, a joint training program consisting of a law enforcement and epidemiological curriculum is being developed to mutually enhance the education and awareness of the multi-disciplinary roles of each agency. Finally, the FBI and CDC are establishing liaison positions at both agencies, whereby pro-active planning and initiatives can be assured sustainment.

3. **Question: How can we improve the sharing of information and analysis among the intelligence agencies and with the new Department?**

Answer: The FBI needs to establish more efficient and effective internal processes to ensure that all relevant information on terrorist threats to the homeland is quickly transmitted to the Department, the Intelligence Community and state and local law enforcement agencies. This requires that the FBI have up-to-date information technology, a mechanism for disseminating intelligence reports, and a process in place for overseeing the information flow to other agencies.

We are making progress in all three areas. As Director Mueller has said many times, the FBI's data management systems are outdated and are unable to quickly and thoroughly

search our data warehouses for key intelligence. We have several initiatives underway that will correct these deficiencies and we are working on several more quick fixes that if successful, will enable us to move information more rapidly to other agencies. We also are developing a plan to create a cadre of FBI reports officers who will take our raw reporting and put it into a format that can be disseminated to our consumers, while protecting sensitive investigative or prosecutorial information.

The centerpiece of this effort is the establishment of the Terrorism Reports and Requirements Section (TRRS) in Counterterrorism Division's (CTD) Investigative Operations Branch. TRRS will be responsible for establishing reports policy and procedures; getting intelligence requirements from intelligence and law enforcement communities; and disseminating Intelligence Information Reports (IIRs). In addition, we intend to establish a clearance request database, and are considering setting up a reports watch office that will handle after-hours dissemination of immediate IIR's and clearance requests.

Finally, the Office of Intelligence (OI), on the analytical side, will serve as the central clearinghouse for sharing information with the policy and intelligence communities and the Department of Homeland Security. OI will be CTD's focal point for tracking all requests for information on terrorist threats and analysis coming from external agencies and ensuring that these inputs are responded to promptly by our analytical units.

4. **Question: Do you think that an interagency "center of intelligence" such as the Center for Counterterrorism, is a good idea that could be useful to the new Homeland Security Agency?**

Answer: This model has some strengths, such as central planning, enhanced coordination and control. It would be detrimental, however, to the overall counterterrorism effort if this center were to largely replace the analytical units at the FBI and CIA. Some overlaps in intelligence functions, are highly desirable especially in analysis because they provide "safety nets" which can guard against intelligence myopia. This concept in fact is enshrined in Executive Order 12333 which addresses the need for, and desirability of, competitive analysis.

5. **Question: Senator Feinstein introduced a bill last week proposing the creation of Director of National Intelligence to be the head of the intelligence community and the principal advisor to the President on national security intelligence matters. The Director would also be assisted by an Office of the Director of National Intelligence composed of national security experts. I would be interested to know what your thoughts are on such as proposal.**

Answer: The Director of Central Intelligence already has the powers outlined in Senator Feinstein's proposal, at least as far as foreign intelligence is concerned. Moreover, the National Intelligence Council under the DCI is very similar to the proposal's Office of the Director of National Intelligence.

There would be several serious problems with a Director of National Intelligence, if this official were given authority over the FBI and its intelligence activities.

- The FBI is not primarily an intelligence agency. The FBI's participation in the Intelligence Community (IC) is vested almost entirely in its investigative requirements under its statutory responsibilities for Counter Intelligence (CI) and Counterterrorism (CT). The CI and CT programs of the FBI constitute only about 25% of the FBI's resources. Most of the information the FBI provides the IC on targets of mutual interest is derived from the FBI's primary investigative responsibilities.
- While the CI and CT responsibilities and investigations of the FBI are inextricably intertwined with participation in the IC, the FBI must retain both the appearance and the reality of maintaining an independent and objective status during the conduct of investigations. In order to ensure that the judicial and constitutional requirements of a successful prosecution are met, it would be inappropriate and counterproductive to have these investigations subsumed under a centralized national intelligence directorate.
- Transferring supervisory authority over the FBI's CI and CT analytical resources to a Director of National Intelligence would likely weaken the FBI's investigative capabilities, which rely in part on support from analytical units.
- Senator Feinstein's proposal also raises concerns about the extent to which FBI investigations within the United States, many involving domestic intelligence activities, would be directed by the Director of National Intelligence, rather than by the Attorney General.
- It would be unacceptable if senior FBI CI and CT supervisory officials were appointed by an administrator outside the FBI's operational chain of command.