FEDERAL BUREAU OF INVESTIGATION'S FOREIGN LANGUAGE TRANSLATION PROGRAM FOLLOW-UP

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FEDERAL BUREAU OF INVESTIGATION'S FOREIGN LANGUAGE TRANSLATION PROGRAM FOLLOW-UP

EXECUTIVE SUMMARY

The Federal Bureau of Investigation's (FBI) ability to translate foreign language materials is critical to national security. The FBI must have the capacity to prioritize, translate, and understand in a timely fashion the large amount of foreign language materials that it collects. These translations support its two highest investigative priorities — counterterrorism and counterintelligence — as well as criminal and cyber-crimes programs, international training and deployments, and interpreting and interviewing.

Because of the importance of these issues, the Office of the Inspector General (OIG) completed an audit in July 2004 of the FBI's Foreign Language Translation Program. The OIG's 157-page audit, entitled "The Federal Bureau of Investigation's Foreign Language Program — Translation of Counterterrorism and Counterintelligence Foreign Language Material," examined:

- whether there existed a backlog of unreviewed Foreign Intelligence Surveillance Act (FISA) material; and

- the hiring process for linguists, including the FBI's progress in hiring qualified linguists to translate critical foreign language materials;

- whether procedures in the FBI's language program adequately prioritize the translation workload;

- the adequacy of the Quality Control Program for linguists.

That audit found that the FBI's collection of material requiring translation had outpaced its translation capabilities, and therefore the FBI could not translate all foreign language counterterrorism and counterintelligence material it collected. The audit also found that the FBI had difficulty in filling its critical need for additional contract linguists. In addition, the audit reported that the FBI's digital audio collection systems had limited storage capacity and that audio sessions were sometimes deleted to make room for new incoming audio sessions. With respect to the FBI's Quality Control Program for linguists, the audit found that the FBI was not in full compliance with the standards it had adopted for reviews of the work of newly hired

linguists, as well as annual reviews for permanent and contract linguists with over one year of experience.

Follow-up Review

In March and April 2005, the OIG conducted a follow-up examination of the findings in our July 2004 audit. The purpose of the follow-up review was to evaluate the FBI's progress in responding to the recommendations made in the audit report.

The follow-up review concluded that the FBI has taken important steps to address the OIG's recommendations and has made progress in improving the operations of the Foreign Language Program. For example, the FBI now sets specific target staffing levels for linguists that account for attrition and, as of March 30, 2005, has achieved 56 percent of current hiring goals, has begun to identify counterterrorism cases with significant backlog on the Counterterrorism FISA Monthly Survey, and has addressed digital collection system storage limitations that can cause audio sessions to be deleted. Although we found during our follow-up review that unreviewed translation materials were still being deleted, no unreviewed counterterrorism or Al Qaeda sessions had been deleted.

However, key deficiencies remain in the FBI's foreign language translation program, including a continuing backlog of unreviewed material, some instances where high-priority material has not been reviewed within 24 hours in accord with FBI policy, and continued challenges in meeting linguist hiring goals and target staffing levels. Implementation of the Quality Control Program has been slow, although the FBI recently has made improvements in this area.

Below, we describe the findings of our follow-up review regarding progress made by the FBI since our July 2004 audit, as well as the FBI's continuing challenges.

Foreign Language Translation Workload and Unreviewed Material

Our follow-up review assessed the FBI's progress since our July 2004 report in addressing the volume of unreviewed counterterrorism and counterintelligence audio material ("backlog") that it collects in its National Foreign Intelligence Program.[1] In the following sections, we first update the

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[1] The FBI stated that more than 95 percent of the counterintelligence and counterterrorism audio material collected in its National Foreign Intelligence Program is

amount of counterterrorism and counterintelligence material collected by the FBI. We then examine the amount of unreviewed audio material, first by counterterrorism material and then by counterintelligence material.

Workload

Our follow-up review found that the FBI's increased need for foreign language translations has continued. Table A depicts the amount of counterterrorism and counterintelligence material collected through the end of FY 2004 (as of September 30, 2004).[2]

As Table A illustrates, the FBI's counterterrorism audio workload has increased by 19 percent from FY 2003 to FY 2004. The counterterrorism text workload increased by 52 percent during the same period. With regard to the counterintelligence workload, audio collection has decreased by 14 percent and text collection decreased by 24 percent during this same period.[3]

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obtained pursuant to FISA. In this report, we do not assess the translation of criminal foreign language material, including Title III intercepts. Therefore, in this report we refer to the counterterrorism and counterintelligence material we examined as FISA material.

[2] We accumulated the counterterrorism amounts from the FBI's monthly counterterrorism FISA surveys. To calculate the counterintelligence totals, we subtracted the counterterrorism monthly FISA data from the FBI's quarterly workload surveys of counterintelligence and counterterrorism material.

[3] As noted in our July 2004 report, the volume of counterterrorism and counterintelligence material collected by the FBI was much higher in FY 2003 than in FY 2001.

Table A: FOREIGN LANGUAGE WORKLOAD

Program	Fiscal Year	Audio Collection (Hours)	Percent Increase Over FY 2003 Levels	Text Collection (Pages)[4]	Percent Increase Over FY 2003 Levels	Percent of Total Collection[5] Audio	Text
Counterterrorism	2003	153,179	N/A	1,458,394	N/A	84%	16%
	2004	182,014	19%	2,215,951	52%	80%	20%
Counterintelligence	2003	673,852	N/A	1,012,188	N/A	97%	3%
	2004	579,595	(14)%	764,511	(24)%	97%	3%

Source: OIG-developed from FBI Language Services Section data.

Unreviewed Audio Material

Our July 2004 report found the FBI had a significant backlog in translating counterterrorism and counterintelligence FISA audio material. Table B provides the amount of audio collected and unreviewed through the end of first quarter of FY 2004 (as of December 31, 2003) and also through the end of the second quarter of FY 2005 (as of March 31, 2005). As that table demonstrates, the FBI's collection of audio material continues to outpace its ability to review and translate all that material.

Table B: TOTAL AUDIO COLLECTED AND UNREVIEWED

Program	Accrued Unreviewed Audio FY 2002 through 1st Quarter FY 2004 (Hours)	Audio Collected FY 2002 through 1st Quarter FY 2004 (Hours)	Percent Unreviewed of Collected	Accrued Unreviewed Audio FY 2002 through 2nd Quarter FY 2005 (Hours)	Audio Collected FY 2002 through 2nd Quarter FY 2005 (Hours)	Percent Unreviewed of Total Collected
Counterterrorism	24,786	354,014	7%	38,514	573,920	7%
Counterintelligence	453,787	1,322,773	34%	669,228	2,015,998	33%
Total	478,573	1,676,787	29%	707,742	2,589,918	27%

Source: OIG calculations based on FBI Language Services Section data.

As Table B demonstrates, the total collections of counterterrorism and counterintelligence audio material increased from approximately 1.6 million hours as of December 31, 2003, to approximately 2.5 million as of March 31, 2005. During the same time period, the total amount of unreviewed audio

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[4] Text collection includes faxes, e-mail, and other electronic data files.

[5] The percent of total collection provides a comparison of the workload of total audio hours versus total text pages. These percentages were calculated using the FBI's resource planning standard for audio and text — that is, one full-time linguist can review 1,000 hours of audio or 50,000 pages of text a year.

increased from 478,573 hours to 707,742 hours. As a percentage of total collections, the percentage of unreviewed audio material remained relatively constant, only slightly decreasing from 29 percent to 27 percent.

1. Counterterrorism

As shown in Table B, the FBI reported in its monthly counterterrorism FISA surveys that the accrued unreviewed counterterrorism audio was 24,786 hours as of December 31, 2003, and has increased to 38,514 hours as of March 31, 2005.

However, in its monthly surveys, the FBI attempts to refine the amount of counterterrorism audio that is reported as unreviewed by the FBI's data collection system. The FBI tries to eliminate double counting of unreviewed material by more than one field office, unreviewed material in cases that are no longer active, and collections of materials from the wrong sources due to technical problems. To determine the amounts of unreviewed material that should be eliminated on the monthly surveys, FBI field offices submit what they believe is their total accrued backlog after eliminating these items. The FBI then accumulates the field offices' submissions to reach a refined estimate of the total amount of unreviewed counterterrorism audio material.

According to this method, our July 2004 audit reported that the FBI's estimated counterterrorism audio backlog was 4,086 hours as of April 2004. In this follow-up review, according to this same method, we found that the counterterrorism audio backlog had increased to 8,354 hours as of March 2005. Therefore, according to this method, the counterterrorism backlog represented 1 percent of all counterterrorism audio collected as of April 2004, and 1.5 percent of all counterterrorism audio collected as of March 2005.

In addition, in this follow-up review we attempted to determine the priority of the counterterrorism material that was not reviewed. The FBI designates one of five levels of priority to its counterterrorism cases. We found that none of the counterterrorism audio backlog as of March 2005 was in the highest level priority cases. However, almost all of the 8,354 hours of counterterrorism backlog reported by the FBI was in cases designated in the second and third highest priority levels. Seventy-two percent of this backlog was in the FBI's second highest priority counterterrorism cases, and 27 percent was in the third highest priority.

2. Counterintelligence

With respect to counterintelligence material, as Table A shows total collections increased from approximately 1.3 million hours as of December 31, 2003, to 2 million hours as of March 31, 2005. The amount of unreviewed counterintelligence material increased from 453,787 hours to 669,228 hours during this same period. The percentage of unreviewed counterintelligence material remained relatively constant, decreasing only slightly from 34 percent to 33 percent.

In response, the FBI stated that it collects significant amounts of audio material that it does not intend to translate, either immediately or possibly ever. For example, it stated that the FBI's digital collection systems cannot reliably filter out "white-noise" (acoustical or electrical noise) and unintelligible audio, which is collected but does not need to be reviewed. In addition, the FBI stated that in many counterintelligence cases it collects audio material that it stores and only translates if additional information points to those materials as containing significant information that should be reviewed. It stated that it believes that most of the unreviewed counterintelligence backlog fell into these categories, although it could not quantify or verify these amounts.

3. Conclusion Regarding Unreviewed Material

In sum, this follow-up review found that the FBI's collection of audio material continues to outpace its ability to review and translate that material. The amount of unreviewed FBI counterterrorism and counterintelligence audio material has increased since our July 2004 report. According to the FBI's calculations, the backlog of unreviewed counterterrorism material has increased from 4,086 to 8,354 hours, which represents 1.5 percent of total counterterrorism audio collections. The amount of unreviewed counterintelligence material also has increased. While the FBI believes that most of the unreviewed materials may not need to be translated, it has no assurance that all this counterterrorism and counterintelligence material does not need to be reviewed or translated.

Hiring of Linguists

The organization and structure of the FBI's Foreign Language Program has continued to evolve since our July 2004 audit. The Foreign Language Program is now a component of the FBI's Directorate of Intelligence. As reported in our July 2004 audit report, the number of FBI and contract linguists had increased from 883 in FY 2001 to 1,214 as of April 2004. Since

then, the number of FBI and contract linguists has increased to 1,338 as of March 30, 2005.

The FBI has made progress in improving its hiring process since our July 2004 review, although it still continues to face challenges hiring linguists. We found that the FBI met 62 percent of its hiring goals for FY 2004, and as of March 30, 2005, had met 56 percent of its hiring goals in FY 2005.[6] As of March 30, 2005, target staffing levels have been achieved in 23 of 52 languages for which target levels were established.

A continuing challenge for the FBI is the time it takes to hire contract linguists. Since our July 2004 audit, according to the FBI, the average time it takes the FBI to hire a contract linguist has increased by at least 1 month from 13 months to 14 months. However, according to our review of the FBI's data, it now takes the FBI 16 months on average to hire a contract linguist. While the FBI's figure of 14 months only counted the amount of time to complete the four major parts of the hiring process, our figure of 16 months accounted for the total time it takes the FBI to process an application. According to a business process engineering firm hired by the FBI after our July 2004 report to study the linguist hiring process, over 70 percent of the processing time is spent waiting in queue (that is, work is not being performed on the applications because of personnel, space, technology, or facilities bottlenecks).[7]

Prioritization of Workload

In our follow-up review, we performed testing to determine if the FBI was reviewing material designated as "high priority" within 24 hours. Our testing of eight FBI field offices for three separate days in April 2005 found that three offices had not reviewed all high priority material within 24 hours on all three dates. A classified Appendix to this report contains details on high priority audio unreviewed more than 24 hours after receipt.

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[6] The FBI switched to a calendar year basis in setting its 2005 and 2006 hiring goals and target staffing levels. In order to maintain consistency with information reported in our July 2004 report, our analysis is by fiscal year using the calendar year goals. Target staffing levels refer to staffing needs that are based upon workload volumes and reflect the number and type of linguists required to meet that workload, regardless of available funding. Hiring goals refer to goals that are set only after funding for personnel has been established.

[7] The business process engineering firm's study did not include the security clearance adjudication process.

System Limitations

As we described in our July 2004 report, because the FBI field offices' digital collection systems have limited storage capacity, audio sessions resident on a system are sometimes deleted through an automatic file deletion procedure to make room for incoming audio sessions. Although these sessions are archived, it is difficult for the FBI to determine, once these sessions have been deleted and archived, whether they have been reviewed. We found that sessions are automatically deleted in a set order, and unreviewed sessions are sometimes included in the material deleted, especially in offices with a high volume of audio to review.

We reported in July 2004 that the FBI had not established necessary controls to prevent critical audio material from being automatically deleted, such as protecting sessions of the highest priority on digital collection systems' active on-line storage until linguists reviewed them. In our July 2004 audit, we reported that the results of our tests showed that three of eight offices tested had Al Qaeda sessions that potentially were deleted by the system before linguists had reviewed them. We recommended that the FBI establish necessary controls to prevent critical audio material from being deleted.

During our follow-up review this year, we tested data for eight offices to determine if unreviewed translation material was still being deleted. The results of our testing showed that no unreviewed counterterrorism or Al Qaeda sessions had been deleted at the eight offices. However, unreviewed counterintelligence material had been deleted and archived at six of the eight offices.

Quality Control Program

In response to our July 2004 report, the FBI modified its Translation Quality Control Policy and Guidelines. These revisions became effective on December 30, 2004. The modified policy and guidelines now require, for example, the use of certified reviewers, when available; anonymous reviews, when possible; the review of randomly selected materials marked as "Not Pertinent" by a linguist, in addition to review of summary and verbatim translations; a review for each language in which at least 20 percent of a linguist's time is spent translating; prompt feedback to resolve deficiencies; and guidance with regard to action that should be taken when results of the reviews are unsatisfactory.

Although we believe the changes address concerns raised in our July 2004 audit, we could not perform testing to determine compliance with the modified guidelines for quality control reviews because a summary of the

results of the first quarterly report under the modified quality control policy was not made available to the OIG until May 25, 2005, after we had completed our fieldwork.

During our fieldwork in March 2005, we found that the FBI still had no system in place on a nation-wide basis to ensure that its field offices were performing quality control reviews or were monitoring results of the reviews. In July 2005, the FBI provided documentation that they now have a tracking system in place for monitoring the reviews and the results of those reviews.

We found during our follow-up work that even when field offices had provided appropriate forms documenting completed reviews to the Language Services Section (LSS), this information had not been entered into a tracking system. On July 12, 2005, the FBI provided the OIG spreadsheets they have recently begun using to monitor the reports from the field offices and to track the results of the quality control reviews. LSS staff told us that in order to adequately monitor the quality control program, the FBI would need to hire additional linguists to address the compliance requirements of new linguists and the annual reviews of full-time and contract linguists. For example, the Section Chief of the LSS told the OIG that 10 of 274 language analysts the FBI hopes to hire in FY 2006 would be dedicated to quality control reviews. The Section Chief also told us that the additional 10 language analysts should provide enough resources for full implementation of the quality control program.

Conclusion

The success of the FBI's foreign language translation efforts is critical to its national security mission. In our July 2004 audit, the OIG found several important areas in the FBI's foreign language program that needed improvement. We believe that since issuance of the July 2004 report the FBI has taken significant steps to address many of our recommendations and has made progress in improving the operations of the Foreign Language Program. However, key deficiencies remain, including a continuing amount of unreviewed material, instances where "high priority" material has not been reviewed within 24 hours, and continued challenges in meeting linguist hiring goals and target staffing levels.

TABLE OF CONTENTS

Page

Appendices 3 through 6 (pages 33 through 39) are classified and do not appear in the unclassified version of this report. These appendices are provided in a separate document.

FEDERAL BUREAU OF INVESTIGATION'S FOREIGN LANGUAGE TRANSLATION PROGRAM FOLLOW-UP

INTRODUCTION

The Federal Bureau of Investigation's (FBI) ability to translate foreign language materials is critical to national security. The FBI must have the capacity to prioritize, translate, and understand in a timely fashion the large amount of foreign language materials that it collects. As the FBI continues to focus on its two highest investigative priorities — counterterrorism and counterintelligence — it will continue to rely heavily on its linguistic capabilities.

In addition to supporting its counterterrorism and counterintelligence efforts, the FBI's criminal and cyber-crimes programs, international training, international deployments, and interpreting/interviewing assignments are placing increasing demands on the FBI's Foreign Language Program.

Because of the importance of this area, the Office of the Inspector General (OIG) completed an audit in July 2004 of the FBI's Foreign Language Translation Program. Among other issues, that audit examined:

- the hiring process for linguists, including the FBI's progress in hiring qualified linguists to translate critical foreign language materials;

- whether procedures in the FBI's language program adequately prioritize the workload;

- whether there existed a backlog of unreviewed Foreign Intelligence Surveillance Act (FISA) material;

- the adequacy of the Quality Control Program; and

In July 2004, we issued a 157-page audit entitled, "The Federal Bureau of Investigation's Foreign Language Program — Translation of Counterterrorism and Counterintelligence Foreign Language Material," containing the results of our review. We provided the full audit report, which was classified by the FBI at the Secret level, to the FBI, the Department of Justice (Department), Congress, and the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). In September 2004, we publicly released an unclassified Executive Summary of the report.

Because of the importance of the FBI Foreign Language Translation Program, in March and April 2005, we conducted an expedited follow-up examination of the findings in our July 2004 audit to evaluate the FBI's progress in responding to the report's recommendations. This report describes the results of that follow-up review.[8]

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[8] Appendix 1 contains this audit's objectives, scope, and methodology. Appendix 2 contains a list of acronyms used throughout the report. We have also compiled four additional appendices to this report which contain data that the FBI considers to be classified. We have provided those classified appendices to the FBI, the Department, and Congress.

SUMMARY FINDINGS FROM THE OIG'S JULY 2004 AUDIT REPORT

The FBI's linguists play a critical role in developing effective counterterrorism and counterintelligence information. Linguists are the first line of analysis for information collected in a language other than English. For example, linguists must sort through thousands of hours of intercepted telephone conversations to identify pertinent material. The value of this information is often subtle because the parties involved may suspect they are being monitored. Linguists also must be able to recognize coded words or cryptic implications of a conversation. This requires high standards of language proficiency and cultural knowledge. Reviewing the vast amounts of audio information collected presents significant management challenges for the FBI, including prioritizing the workload and balancing limited resources.

Evolution of Foreign Language Program

Our July 2004 audit report described the significant evolution of the FBI's Foreign Language Program from a decentralized operation to one that was more centralized at FBI Headquarters. At the time of that audit, the Language Services Section (LSS) at FBI Headquarters managed the FBI's growing language translation program, which used more than 1,200 linguists stationed across the United States in 52 FBI field offices and Headquarters.

Our report also described how the Foreign Language Program had experienced a large influx of funding since September 11, 2001, increasing from $21.5 million in fiscal year (FY) 2001 to slightly over $66 million in FY 2004. The number of linguists also grew from 883 in FY 2001 to 1,214 as of April 2004. According to the FBI, as of April 2004 it had hired linguists at the maximum rate that its funding allowed.

Foreign Language Program Workload and Unreviewed Material Statistics

At the same time, the FBI's electronic surveillance collection in languages primarily related to counterterrorism activities increased dramatically − by 45 percent when comparing total collection in FY 2003 to total collection in FY 2001. The FBI expected translation growth rates in these languages to increase by at least 15 percent annually.

Our July 2004 audit found that the FBI's collection of material requiring translation had outpaced its translation capabilities, and the FBI could not translate all the foreign language counterterrorism and counterintelligence material it collected. As of the first quarter of FY 2004, the FBI reported that nearly 24 percent of ongoing FISA counterintelligence and counterterrorism intercepts were not monitored. According to the LSS official who prepared this information, during the first quarter of FY 2004 the FBI only had linguist capacity to review 76 percent of the intercepts collected. The official stated that the FBI reviewed all the counterterrorism information it collects, but not all counterintelligence information.

With respect to unreviewed audio material, the FBI maintained statistics only on the backlog for counterterrorism FISA cases and only by case, not by language. In addition, the FBI stated that its data could not be used reliably to determine the precise amount of unreviewed material that needed to be translated because of the imprecision of the translation workload reporting process and the FBI digital collection systems' inability to filter unintelligible audio and modem tones, which do not require translation. However, the FBI's statistics indicated that, as of April 2004, 4,086 hours of FISA recordings in counterterrorism cases were unreviewed.

In addition, the July 2004 audit report calculated the number of hours of unreviewed counterterrorism and counterintelligence audio in languages that the FBI classifies as traditionally associated with counterterrorism and counterintelligence. While recognizing limitations of this calculation, our analysis of the FBI's data in our July 2004 audit indicated that since September 11, 2001, more than 119,000 hours of audio in languages traditionally associated with counterterrorism cases had not been reviewed. Additionally, we found that more than 370,000 hours of audio in languages traditionally associated with counterintelligence activities had not been reviewed.[9]

Because the FBI did not maintain statistical records distinguishing this unreviewed material by specific language or type of case, we could not precisely determine which unreviewed material was associated with counterintelligence cases and which was associated with counterterrorism cases. FBI Foreign Language officials told the OIG that most of the material we reported as unreviewed in our July 2004 report was associated with counterintelligence cases.

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[9] In our July 2004 audit, we focused on the unreviewed counterterrorism and counterintelligence audio material instead of text material. Text collection, while increasing since FY 2001, represented a small percentage of the FBI's foreign language workload in the high-volume counterterrorism and counterintelligence languages — about 13 percent and 3 percent, respectively, of the FBI's foreign language workload in FY 2004. We recognized, however, that translation of text material also is of critical importance and a high priority for the FBI.

Factors Contributing to the Increasing Amount of Unreviewed Material

In our July 2004 report, we attributed the FBI's backlog of unreviewed counterterrorism and counterintelligence material to an insufficient number of linguists, as well as limitations in the FBI's translation information technology systems.

We found that the FBI had difficulty in filling its critical need for additional contract linguists. Although the FBI received many applications, the FBI estimated that the contract linguist vetting process eliminated over 90 percent of the applicants processed for hiring.[10] For those applicants who passed the vetting process and were hired, we found that the applicant processing cycle took approximately 13 months.

In addition to hiring difficulties, our audit determined that the FBI's digital collection systems had limited storage capacity and that audio sessions were sometimes deleted to make room for new incoming audio sessions. Although sessions were automatically deleted in a set order, we found that unreviewed sessions were sometimes included in the material deleted, especially in offices with a high volume of translation work. Three of eight offices we tested had sessions related to Al Qaeda that potentially were deleted by the system before linguists had reviewed them.

Timely Translation of Work and Quality Control

According to FBI officials, at the time of our audit the FBI's stated expectation was that counterterrorism FISA audio should be reviewed within 24 hours of interception. In addition, FBI policy required Al Qaeda FISA audio to be reviewed within 12 hours of interception. However, we found that during April 2004 36 percent of intercepted Al Qaeda FISA audio sessions forwarded to the Language Services Translation Center at FBI Headquarters for translation were not even received within 12 hours.

Our audit also examined the FBI's Quality Control Program for linguists, which was designed to ensure that the work of linguists was reviewed periodically for accuracy. We found that the FBI was not in full compliance with standards for required reviews for newly hired linguists, as well as annual reviews for permanent and contract linguists with over one year of experience.

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[10] The contract linguist vetting process includes language proficiency testing, a personnel security interview, a polygraph examination, and a background investigation. Only upon the successful completion of all stages of the vetting process are contract linguist applicants approved and granted a Top Secret security clearance.

Recommendations

Our audit report contained 18 recommendations to help improve the FBI's Foreign Language Program, including:

- expediting the implementation of the Foreign Language Program's automated statistical reporting system;

- ensuring that each office's digital collection system storage capabilities were sufficient so that unreviewed audio material for critical cases would not be deleted automatically;

- ensuring that hiring goals for linguists included expected attrition;

- ensuring that adequate information regarding the relative priority of individual counterterrorism and counterintelligence cases was provided to the Foreign Language Program;

- strengthening the quality control procedures to ensure that translations were accurate and that all pertinent material was being translated; and

- implementing a system to monitor compliance with quality control procedures at the field office and national level.

The FBI generally was receptive to the audit's recommendations and agreed to take corrective action.

This follow-up review, conducted in March and April 2005, assessed the FBI's progress since our July 2004 report in responding to our recommendations and in addressing the volume of unreviewed counterterrorism and counterintelligence audio material (backlog) that it collects in its National Foreign Intelligence Program.[11]

In the sections that follow, we provide the results of our follow-up review, first examining the extent of unreviewed counterterrorism and counterintelligence material.

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[11] The FBI stated that more than 95 percent of the counterintelligence and counterterrorism audio material collected in its National Foreign Intelligence Program is obtained pursuant to FISA. In this report, we do not assess the translation of criminal foreign language material, including Title III intercepts. Therefore, in this report we refer to the counterterrorism and counterintelligence material we examined as FISA material.

CHANGES SINCE JULY 2004 THAT AFFECT THE FBI'S FOREIGN LANGUAGE PROGRAM

Foreign Language Translation Workload and Unreviewed Material

Each FBI field office and the Language Services Translation Center at FBI headquarters is required to submit a survey quarterly to the LSS for each language processed at that office. The survey requires the reporting of the volume of FISA audio/video and text collected, forwarded to another office, received from another office, and reviewed by each language. However, the quarterly survey does not specifically report backlog, which the FBI defines as any unreviewed material. The quarterly survey also does not differentiate between counterterrorism and counterintelligence material or report the translation information by type of case. Rather, the quarterly survey reports the information by language.

Additionally, each field office and the Language Services Translation Center with active counterterrorism FISAs are required to submit a monthly survey to the LSS for each active FISA case. In contrast to the quarterly survey described above, the monthly survey reports by counterterrorism case the volume of FISA audio/video, text, electronic data files collected and reviewed, and any accrued backlog.

During our follow-up work performed in March and April 2005, we used the FBI's quarterly and monthly surveys to assess the status of the FBI's efforts to reduce the amount of total unreviewed audio material that we identified in our July 2004 audit. However, in doing so we also attempted to differentiate between counterterrorism and counterintelligence material.[12]

In the following sections, we first update the amount of counterterrorism and counterintelligence material collected by the FBI. We then examine the amount of unreviewed audio material, first by counterterrorism material and then by counterintelligence material.

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[12] In this follow-up report, as in our July 2004 audit, we used the best available FBI data on the extent of unreviewed audio. The data we used is the same data that the FBI's Language Services Section uses for its budget preparation, workforce planning, and performance measurement toward its strategic objective of 100 percent coverage of FBI-collected intelligence. However, we agree with the FBI that because of the imprecision of the FBI's workload reporting process, this data may result in statistics that may not be precisely accurate in describing the exact amount of total unreviewed material. In addition, the OIG did not audit the FBI numbers and we therefore can make no representation as to their accuracy.

Workload

Our follow-up review found that the FBI's increased need for foreign language translations has continued. Table 1 depicts the amount of counterterrorism and counterintelligence material collected through the end of FY 2004 (as of September 30, 2004).[13]

As Table 1 illustrates, the FBI's counterterrorism audio workload has increased by 19 percent from FY 2003 to FY 2004. The counterterrorism text workload increased by 52 percent during the same period. With regard to the counterintelligence workload, audio collection has decreased by 14 percent and text collection decreased by 24 percent during this same period.[14]

Table 1: FOREIGN LANGUAGE WORKLOAD

Program	Fiscal Year	Audio Collection (Hours)	Percent Increase Over FY 2003 Levels	Text Collection (Pages)[15]	Percent Increase Over FY 2003 Levels	Percent of Total Collection[16]	
						Audio	Text
Counterterrorism	2003	153,179	N/A	1,458,394	N/A	84%	16%
	2004	182,014	19%	2,215,951	52%	80%	20%
Counterintelligence	2003	673,852	N/A	1,012,188	N/A	97%	3%
	2004	579,595	(14)%	764,511	(24)%	97%	3%

Source: OIG-developed from FBI Language Services Section data

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[13] We accumulated the counterterrorism amounts from the FBI's monthly counterterrorism FISA surveys to develop the total counterterrorism audio collection. To calculate the counterintelligence totals, we subtracted the counterterrorism monthly FISA data from the FBI's quarterly workload surveys of counterintelligence and counterterrorism material.

[14] As noted in our July 2004 report, the volume of counterterrorism and counterintelligence material collected by the FBI was much higher in FY 2003 than in FY 2001.

[15] Text collection includes faxes, e-mail, and other electronic data files.

[16] The percent of total collection provides a comparison of the workload of total audio hours versus total text pages. These percentages were calculated using the FBI's resource planning standard for audio and text — that is, one full-time linguist can review 1,000 hours of audio or 50,000 pages of text a year. For example, to obtain the FY 2003 figures of 84 percent for audio and 16 percent for text: (1) divide 1,458,394 pages of text collection by 50 to arrive at 29,168; (2) add 153,179 and 29,168 to arrive at 182,347; (3) divide 153,179 by 182,347 to arrive at 84 percent for audio; and (4) divide 29,168 by 182,347 to arrive at 16 percent for text.

Unreviewed Audio Material

Our July 2004 report found the FBI had a significant backlog in translating counterterrorism and counterintelligence FISA audio material. However, identification of the precise amount of unreviewed counterterrorism material, as opposed to counterintelligence material, was difficult to determine because of the way the FBI collects its survey data. The FBI does not specifically track the amount of counterintelligence materials. Therefore, separating counterintelligence and counterterrorism unreviewed materials requires subtracting the monthly counterterrorism survey from the quarterly workload survey. After discussions with the FBI, we used this method in this follow-up review to distinguish counterterrorism and counterintelligence unreviewed audio backlog.[17]

Using this method, Table 2 provides the amount of audio collected and unreviewed through the end of the first quarter of FY 2004 (as of December 31, 2003) and also through the end of the second quarter of FY 2005 (as of March 31, 2005). As that table demonstrates, the FBI's collection of audio material continues to outpace its ability to review and translate all that material.

Table 2: TOTAL AUDIO COLLECTED AND UNREVIEWED

Program	Accrued Unreviewed Audio FY 2002 through 1st Quarter FY 2004 (Hours)	Audio Collected FY 2002 through 1st Quarter FY 2004 (Hours)	Percent Unreviewed of Collected	Accrued Unreviewed Audio FY 2002 through 2nd Quarter FY 2005 (Hours)	Audio Collected FY 2002 through 2nd Quarter FY 2005 (Hours)	Percent Unreviewed of Total Collected
Counterterrorism	24,786	354,014	7%	38,514	573,920	7%
Counterintelligence	453,787	1,322,773	34%	669,228	2,015,998	33%
Total	478,573	1,676,787	29%	707,742	2,589,918	27%

Source: OIG calculations based on FBI Language Services Section data

Table 2 demonstrates that the total collections of counterterrorism and counterintelligence audio material increased from approximately 1.6 million hours as of December 31, 2003, to approximately 2.5 million as of March 31, 2005. During the same time period, the total amount of unreviewed audio increased from 478,573 hours to 707,742 hours. As a percentage of total

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[17] Although we used this new method in our follow-up review, we believe the method we used in our July 2004 audit also provided an accurate assessment of the overall amount of unreviewed FBI FISA material.

collections, the percentage of unreviewed audio material remained relatively constant, only slightly decreasing from 29 percent to 27 percent.

1. Counterterrorism

As shown in Table 2, the FBI reported in its monthly counterterrorism FISA surveys that the accrued unreviewed counterterrorism audio was 24,786 hours as of December 31, 2003, and has increased to 38,514 hours as of March 31, 2005.

However, in its monthly surveys, the FBI attempts to refine the amount of counterterrorism audio that is reported as unreviewed by the FBI's data collection system. The FBI tries to eliminate double counting of unreviewed material by more than one field office, unreviewed material in cases that are no longer active, and collections of materials from the wrong sources due to technical problems. To determine the amounts of unreviewed material that should be eliminated on the monthly surveys, FBI field offices submit what they believe is their total accrued backlog after eliminating these items. The FBI then accumulates the field offices' submissions to reach a refined estimate of the total amount of unreviewed counterterrorism audio material.

According to this method, our July 2004 audit reported that the FBI's estimated counterterrorism audio backlog that we reported in our July 2004 report was 4,086 hours as of April 2004. In this follow-up review, according to this same method, we found that the counterterrorism audio backlog had increased to 8,354 hours as of March 2005.[18] Therefore, according to this method the counterterrorism backlog represented 1 percent of all counterterrorism audio collected as of April 2004 and 1.5 percent of all counterterrorism audio collected as of March 2005.

Table 3 below shows this counterterrorism audio backlog by month from April 2004 through March 2005. The table shows that the counterterrorism backlog remained relatively constant until November 2004, when it began increasing.

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[18] See classified Appendices 3 and 4 for additional details on the monthly audio accrued backlog.

Table 3: COUNTERTERRORISM AUDIO ACCRUED BACKLOG
April 2004 through March 2005
Backlog Reported at the End of Each Month
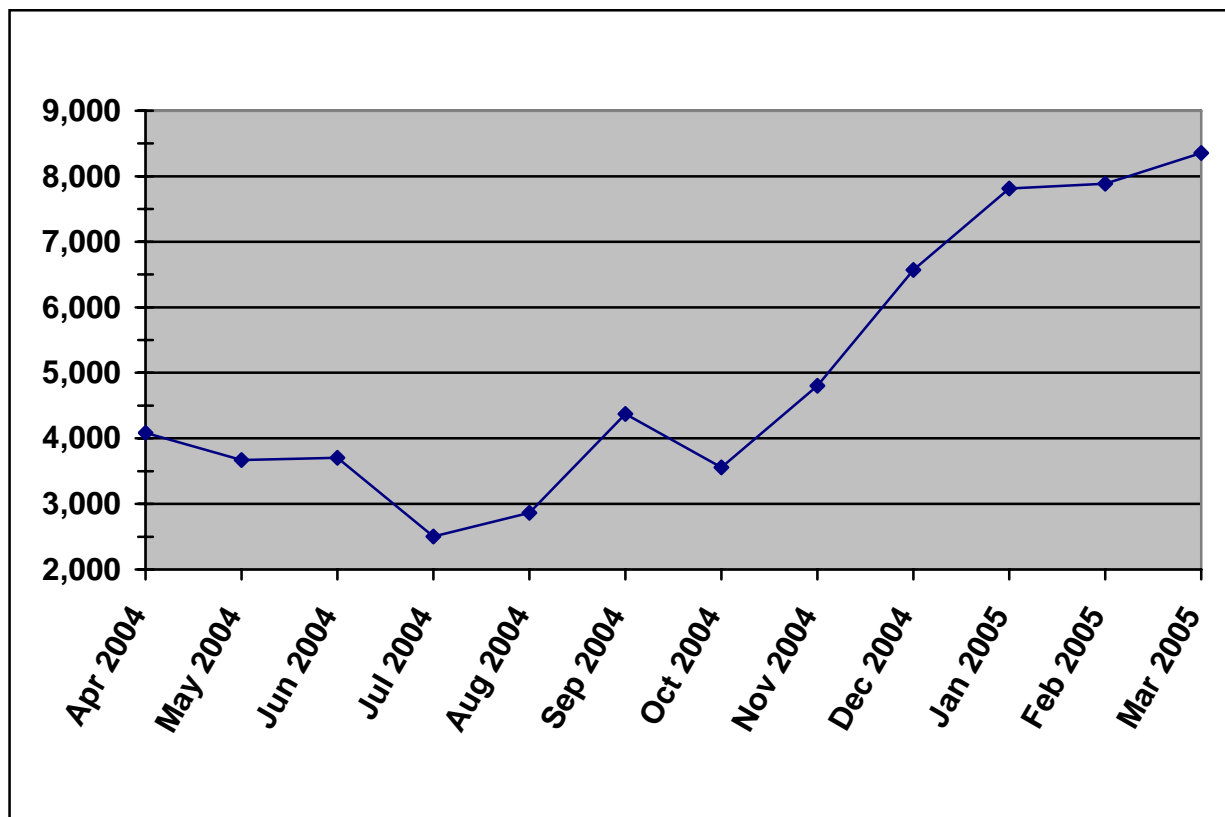
Source: FBI Language Services Section counterterrorism FISA monthly surveys.

In addition, in this follow-up review we attempted to determine the priority of the counterterrorism material that was not reviewed. The FBI designates one of five levels of priority to its counterterrorism cases. We found that none of the counterterrorism audio backlog as of March 2005 was in the highest level priority cases. However, almost all of the 8,354 hours of counterterrorism backlog reported by the FBI was in cases designated in the second and third highest priority levels. Seventy-two percent of this backlog was in the FBI's second highest priority counterterrorism cases, and 27 percent was in the third highest priority.[19]

2. Counterintelligence

With respect to counterintelligence material, as Table 1 shows total collections increased from approximately 1.3 million hours as of

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[19] Classified Appendix 3 contains more details on the backlog within each priority level.

December 31, 2003, to 2 million hours as of March 31, 2005. The amount of unreviewed counterintelligence material increased from 453,787 hours to 669,228 hours during this same period. The percentage of unreviewed counterintelligence material remained relatively constant, decreasing from 34 percent to 33 percent.

In response, the FBI stated that it collects significant amounts of audio material that it does not intend to translate, either immediately or possibly ever. For example, it stated that the FBI's digital collection systems cannot reliably filter out "white-noise" (acoustical or electrical noise) and unintelligible audio, which is collected but does not need to be reviewed. In addition, the FBI stated that in many counterintelligence cases it collects audio material that it stores and only translates if additional information points to those materials as containing significant information that should be reviewed. It also stated that it believes that most of the unreviewed counterintelligence backlog fell into these categories, although it could not quantify or verify these amounts.

### 3. Conclusion Regarding Unreviewed Material

In sum, this follow-up review found that the FBI's collection of audio material continues to outpace its ability to review and translate that material. The amount of unreviewed FBI counterterrorism and counterintelligence audio material has increased since our July 2004 report. According to the FBI's calculations, the backlog of unreviewed counterterrorism material has increased from 4,086 to 8,354 hours, which represents 1.5 percent of total counterterrorism audio collections. The amount of unreviewed counterintelligence material also has increased. While the FBI believes that most of the unreviewed materials may not need to be translated, it has no assurance that all this counterterrorism and counterintelligence material does not need to be reviewed or translated.

Hiring of Linguists

During the past year, the FBI has continued its efforts to add additional linguists. The number of FBI and contract linguists has increased from approximately 1,200 as of April 1, 2004, as reported in our July 2004 report, to 1,338 as of March 30, 2005.[20] Moreover, Foreign Language Program funding has increased from $21.5 million in FY 2001 to

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[20] The FBI's linguist workforce consists of contract linguists and full time permanent language analysts. Contract linguists are compensated through the FBI's Foreign Language Program Budget. Language analyst salaries and benefits are funded separately.

$36.2 million in FY 2005. Funding for language analyst salaries and benefits also has increased from $30.7 million in FY 2001 to $34.8 million in FY 2005.

Table 4: FOREIGN LANGUAGE PROGRAM FUNDING
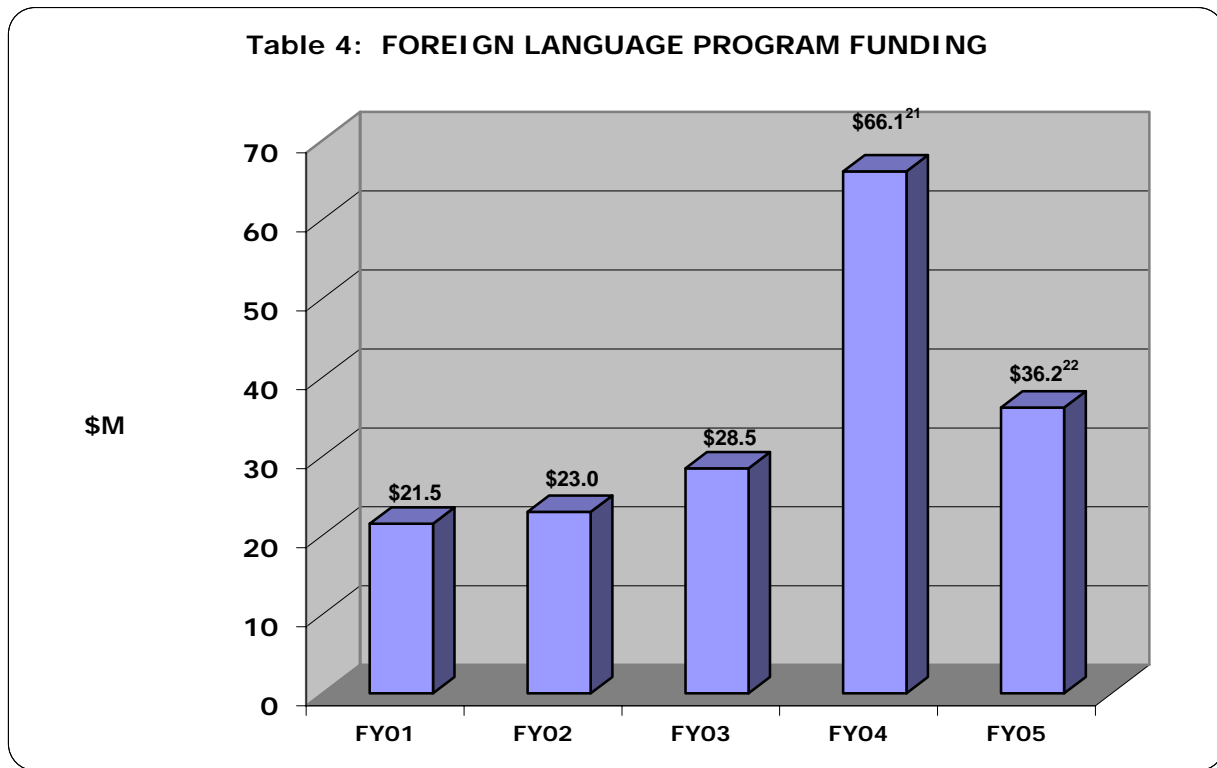
Source: FBI Language Services Section

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[21] The final FY 2004 funding for the Foreign Language Program was $66,139,002. We reported a projected budget for FY 2004 of slightly less than $70 million. FY 2004 funding included $38.5 million from a supplemental appropriations bill in FY 2003. Only $9.3 million of this funding recurred in FY 2005.

[22] Originally we reported a projected budget of $45.1 million for FY 2005. The reason for the difference is a combination of legislatively mandated rescissions and the fact that the projected budget included "critical unfunded" budget items.

Table 5: LANGUAGE ANALYST SALARIES AND BENEFITS

$M

FY01	FY02	FY03	FY04	FY05 (Projected)
$30.7	$33.6	$37.0	$29.5	$34.8[23]
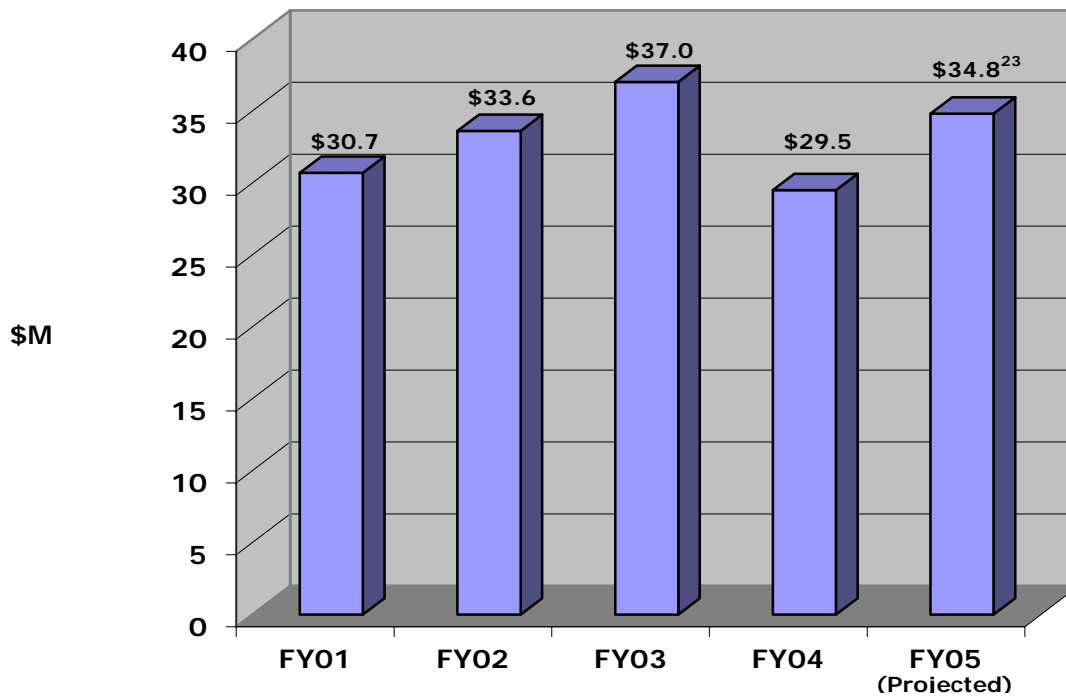
Source: FBI Language Services Section

Changes to Organization and Structure

The organization and structure of the FBI's Foreign Language Program has continued to evolve since our July 2004 audit. On October 1, 2004, responsibility for the Foreign Language Program was transferred from the Office of International Operations to the FBI's Office of Intelligence. The Office of Intelligence became the Directorate of Intelligence on February 28, 2005.

According to FBI officials, the Foreign Language Program was transferred to the Directorate of Intelligence to strengthen FBI efforts to create a single program to manage all FBI activities that produce intelligence. The LSS now consists of three Translation and Deployment Units, an Operations Management Unit, and the National Virtual Translation

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[23] As of March 25, 2005, the FBI had 406 language analysts on board. The estimated current spending for compensation and benefits for these language analysts is $28.8 million. Projected spending for FY 2005 is for the FBI's funded staffing level of 490 language analysts.

Center.[24] Linguists in field offices have been reassigned to field intelligence groups, which also supervise intelligence analysts.

ISSUES AFFECTING TIMELY TRANSLATION OF MATERIALS

In our July 2004 audit report, we noted that the FBI Director had established an expectation that counterterrorism FISA interceptions should be reviewed within 24 hours of interception. In addition, we reported that FBI policy required Al Qaeda FISAs to be reviewed within 12 hours of interception. However, our July 2004 audit found that these types of interceptions were not always reviewed within the expected timeframes.

During our follow-up work, several senior FBI officials stated that not every Al Qaeda case is of the highest priority and that it was no longer FBI policy to review material in all Al Qaeda cases within 12 hours.

We discussed this issue with the FBI Deputy Director, who said that after the September 11 attacks the FBI intended that all materials in every Al Qaeda case be reviewed within 12 hours. This policy was promulgated in an e-mail from the FBI Deputy Director to all Special Agents in Charge on July 15, 2002. However, the Deputy Director told the OIG that, over time, the FBI has come to realize that this goal was unreasonable, because of the number of linguists available, and because not every Al Qaeda case is of the highest priority. Rather, the Deputy Director said that it is the FBI's goal to review the highest-priority material within 12 hours, regardless of whether it pertains to an Al Qaeda case or another matter. The Deputy Director also said that 24 hours is a more realistic goal for "high priority" cases, but this target has not yet been officially promulgated. The Deputy Director said the key is to prioritize and "triage" material according to what is considered to be the greatest threat, based upon the best intelligence available, and then to address that material first. The Deputy Director also said that it is the FBI Director's expectation that the highest-priority material will be reviewed within 24 hours and that all other material will be reviewed as soon thereafter as possible.

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[24] Each Translation and Deployment Unit is responsible for a subset of languages and directs the FBI's linguist resources to support priority FBI matters throughout all field offices, headquarters divisions, and Legats. The Operations Management Unit develops, implements and ensures compliance with administrative and operational policies, procedures, and guidelines for Foreign Language Program personnel throughout the FBI. It also manages the quality control program. The National Virtual Translation Center provides language support and translators for the Intelligence Community. The FBI acts as the Center's Executive Agent and provides staffing and logistics support.

We discussed this issue with the Executive Assistant Director in charge of the Directorate of Intelligence (EAD-I), who agreed that it was the FBI's expectation that the highest priority material would be reviewed within 24 hours. She said that she intends to promulgate rules regarding the timeliness of review so there would be no confusion as to expectations. The EAD-I emphasized that "reviewing the material" means listening to or reading it, not producing a written summary or verbatim translation. The EAD-I also told us that these timeliness expectations apply to FISA material, although she emphasized that these materials are only a portion of the Foreign Language Program's workload.[25]

In our follow-up review, we performed testing to determine if the FBI was reviewing material designated as "high priority" within 24 hours. Our testing of data for eight FBI field offices for three days in April 2005 found that three offices had not reviewed their high-priority material within 24 hours on all three dates.[26]

FBI's Statistical Reporting System

Our July 2004 audit report noted that the FBI's ability to monitor translation workload was hampered because the FBI had no method to consistently deliver accurate workload statistics. We recommended that the FBI expedite the implementation of its interim automated statistical reporting system, called Work Flow Manager; ensure that the system accurately reflected accrued backlog, as well as the age of the backlog; implement controls to ensure digital collection systems are mapped properly; and ensure that records are placed in the correct field format.

Work Flow Manager. Our follow-up review found that the FBI has made improvements to Work Flow Manager. Work Flow Manager is currently uploading data from the collection systems, and testing by the FBI has shown that the data uploaded to Work Flow Manager matches the data in the collection systems. However, the system is still not fully used because the FBI has not completed verifying the reliability of the data in the system. The Foreign Language Program is currently assessing the reliability of Work Flow Manager by comparing its results to data being manually reported by the field offices. As a result of the validation process, however, the FBI also has determined that standardized reporting procedures are needed and has instructed the field offices to report backlog based on a specific query that

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[25] In addition to FISA material, the Foreign Language Program's translation of audio recordings consists of Title III material that also can have stringent deadlines.

[26] Classified Appendix 5 contains additional detail on high priority audio unreviewed more than 24 hours after receipt.

would produce uniform results, as developed by the Information Technology Division.

Age of Accrued Backlog. Because Work Flow Manager is not fully used, the FBI still does not have a method to assess the age of the accrued backlog. As part of the process to validate Work Flow Manager data, all data uploaded prior to September 1, 2004, was deleted from the database and the system began uploading new data on September 1, 2004. As a result, any sessions created before September 1, 2004, but not reviewed after that date would not be uploaded to Work Flow Manager. Therefore, some unreviewed sessions may not be identified as backlog.

Statistical Reporting. FBI Foreign Language Program managers told us that the FBI's long-term solution to statistical reporting on translation backlog will be realized in a phased deployment of the Electronic Surveillance Data Management System (EDMS).[27] According to current projections, EDMS will not be fully deployed until FY 2009. However, the FBI official in charge of the EDMS project told us that the current projections for EDMS's deployment and budget are outdated, and the FBI is currently in the process of updating them. He said the deployment schedule depends on varying factors, including funding for the project over the next several years.

Methods for Querying FISA Digital Collection Systems

We found in our July 2004 audit report that some FBI linguists were not sufficiently knowledgeable about the methods to query the current collection system so that they could identify all translation material needing review. We recommended that the FBI ensure that all linguists are adequately trained so that they can identify all of this material.

In response to this recommendation, the FBI developed a quick reference guide to assist linguists in operating the digital collection system. However, in our follow-up review we concluded that the guide does not provide adequate instruction to ensure that all linguists can effectively query the current system. For example, we asked a Foreign Language Program Manager if, by following the query instructions provided in the quick reference guide, a linguist could identify all unreviewed audio material. This manager described a specific situation where the query instructions provided in the guide would not identify all unreviewed material.

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[27] According to the FBI, EDMS ultimately will be the presentation/reviewing system for all FISA digital data collected. It will be able to monitor all information for potential backlog and duration of backlog and will produce statistical reports regarding backlog. The FBI plans for EDMS to support technology not currently available or fully functional on the present digital collection systems.

Storage Capacity of Digital Collection Systems

As we described in our July 2004 report, because the FBI field offices' digital collection systems have limited storage capacity, audio sessions resident on a system are sometimes deleted through an automatic file deletion procedure to make room for incoming audio sessions. Although these sessions are archived, it is difficult for the FBI to determine, once these sessions have been deleted and archived, whether they have been reviewed. We found that sessions are automatically deleted in a set order, and unreviewed sessions are sometimes included in the material deleted, especially in offices with a high volume of audio to review.

We reported in July 2004 that the FBI had not established necessary controls to prevent critical audio material from being automatically deleted, such as protecting sessions of the highest priority on digital collection systems' active on-line storage until linguists reviewed them. Also, in our July 2004 audit we reported that the results of our tests showed that three of eight offices tested had Al Qaeda sessions that potentially were deleted by the system before linguists had reviewed them. We recommended that the FBI establish necessary controls to prevent critical audio material from being deleted.

During our follow-up review this year, we tested data for eight offices to determine if unreviewed translation material was still being deleted. The results of our testing showed that no unreviewed counterterrorism or Al Qaeda sessions had been deleted at the eight offices. However, unreviewed counterintelligence material had been deleted and archived at six of the eight offices.

Adequate Information to Prioritize Workload

In our July 2004 report, we found that FBI operational divisions were not providing the Foreign Language Program with sufficient information to enable it to effectively prioritize its work. We recommended that the FBI ensure that adequate information is provided to the Foreign Language Program regarding the relative priority of individual counterterrorism and counterintelligence cases, both FISA and non-FISA.

In our follow-up review, we attempted to determine from the Program Manager who coordinates the prioritization of national workload for the Foreign Language Program if the LSS was receiving sufficient information from the operational divisions to effectively prioritize its workload. The Program Manager told us that the LSS receives regular weekly updates to FISA prioritization, and that the updates are more consistent than they were at the time of our original audit work. He said that all groups who should

provide input to the process, including the Counterterrorism, Counterintelligence, Cyber, and Criminal Divisions, attend weekly update meetings. The Program Manager also said that the operational divisions now have a much better understanding of the type of input and direction the Foreign Language Program needs to prioritize its work. The Program Manager added that there is better understanding in the field that FBI Headquarters is running the national investigations and setting the priorities. The Program Manager said the field offices may not be happy about this, but they understand that linguists must follow the national priorities set by FBI Headquarters.

HIRING LINGUISTS

Goals and Target Staffing Levels[28]

Our July 2004 audit report found that while the FBI substantially increased its language translation capabilities, it did not meet its linguist hiring goals for all languages for which goals were set for FY 2002 or FY 2003.

In our follow-up work, we analyzed hiring data for FY 2004 and FY 2005. We found that the FBI met 62 percent of its hiring goals for FY 2004, and, as of March 30, 2005, had met 56 percent of its hiring goals in FY 2005.[29] Table 6 shows the FBI's overall progress in meeting its hiring goals.

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[28] Target staffing levels refer to staffing needs that are based upon workload volumes and reflect the number and type of linguists required to meet that workload, regardless of available funding. Hiring goals refer to goals that are set only after funding for personnel has been established.

[29] The FBI switched to a calendar year basis in setting its 2005 and 2006 hiring goals and target staffing levels. In order to maintain consistency with information reported in our July 2004 report, our analysis is by fiscal year, using the calendar year goals.

Table 6: STATUS OF MEETING LINGUIST HIRING GOALS[30]

Fiscal Year	On Board at Beginning of FY	Hiring Goal	Linguists Hired	Over/ Under Goal	Net Increase in Linguists
2005 (through 3/30/2005)	1,220	264	147	(117)	70
2004	659	332	205	(127)	117
2003	586	263	164	(99)	98
2002	351	297-352	254	(43)	191

Source: FBI Language Services Section. Hiring goals for 2005 are for the calendar year.

For FY 2004, the FBI met its hiring goals in 11 of the 26 languages for which goals were established: 6 of the 13 languages designated "highest priority," 2 of the 9 languages designated "priority," and 3 of the 4 languages designated "important."[31] The FBI hired 205 language analysts and contract linguists in FY 2004, resulting in a net increase of 117 linguists.

As of March 30, 2005, the FBI had met hiring goals in 14 of 43 languages for which goals were established: 3 of the 14 languages designated "higher density," and 11 of the 29 languages designated "lower density."[32]

We also noted in our July 2004 audit report that the FBI did not account for attrition when determining its hiring goals. Therefore, its goals were based on hiring a specific number of linguists for each language, rather than hiring to a desired personnel ceiling level for each language. We also noted that hiring goals did not account for contract linguists who worked less than a full week. We recommended that the FBI ensure that hiring goals for linguists, including attrition, are based on staffing levels to be achieved.

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[30] Reported statistics are for the languages for which the Language Services Section established hiring goals. Classified Appendix 6 contains information on hiring of linguists in specific languages.

[31] "Highest Priority," "Priority," and "Important" were designations assigned by the Language Services Section to indicate the relative priority of the FY 2004 hiring goals for each language.

[32] "Higher density" languages are those in which there is either a high demand for translation services, a high supply of available linguists, or both. "Lower density" languages are those in which there is either a low demand for translation services, a low supply of available linguists, or both. The FBI further designates priorities — high, medium, and low — within each group.

In response to this recommendation, the FBI now sets specific target staffing levels for linguists.[33] As of March 30, 2005, target staffing levels have been achieved in 23 of 52 languages for which target levels were established: 4 of the 14 languages designated "higher density," and 19 of 38 languages designated "lower density." The FBI has hired 147 language analysts and contract linguists thus far in FY 2005, resulting in a net increase of 70 linguists.

As reported in our July 2004 audit report, the number of full time FBI linguists and contract linguists increased from 883 in FY 2001 to 1,214 as of April 2004. Since then, the number of FBI and contract linguists has increased by 124 to 1,338 as of March 30, 2005.[34]
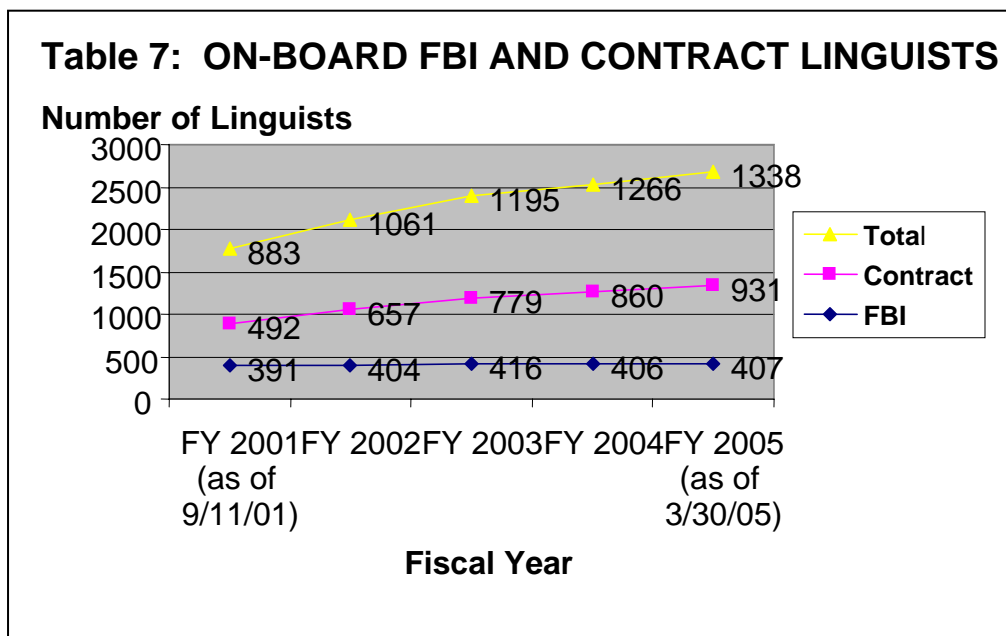
Source: FBI Language Services Section

Ongoing Hiring Challenges

As we described in our July 2004 audit report, in October 2000 the LSS assumed responsibility for centrally managing the recruitment and applicant processing of FBI linguist applicants. According to LSS management, following this centralization the number of linguists approved by the FBI

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[33] The FBI's target staffing levels were set by calendar year for 2005. In order to maintain consistency with other information presented in this report, our analysis is by fiscal year, using the calendar year goals.

[34] According to the FBI, contract linguists assigned counterterrorism and counterintelligence material work an average of 29.5 hours per week.

increased from less than 80 per year to an average of more than 200 per year.

The LSS official responsible for hiring told us that, prior to FY 2002, the average time to complete the contract linguist hiring process was approximately two years. We noted in our July 2004 audit report that the average time had been reduced to approximately 13 months for contract linguists hired between October 1, 2003, and March 9, 2004.

The FBI provided similar data for the period from October 1, 2004, through March 29, 2005. The average time to hire a contract linguist has increased from 13 months to 14 months, according to the FBI's methodology.[35] According to our review, however, it took the FBI 16 months on average to hire a contract linguist. We accounted for the total time it takes the FBI to process an application, while the FBI's figure only counted the amount of time necessary to complete the four major parts of the process.[36]

According to a business process engineering firm hired by the FBI to study the linguist hiring process, over 70 percent of the processing time is spent waiting in queue (that is, work is not being performed on the applications because of personnel, space, technology, or facilities bottlenecks). Data provided by the FBI shows that, on average, the greatest amounts of time in the hiring process are spent on language proficiency testing and the security clearance adjudication process.[37]

However, the LSS also provided data showing that at times of great need for a particular language the hiring cycle time had been reduced to an average of 31 days. LSS management told us that this was accomplished without compromising the background security process or language proficiency testing process. The Section Chief of the LSS told us the FBI was able to accomplish this by stopping everything and focusing on these applicants. The applicants were flown in to take the language proficiency tests, and the Security Division and applicable field offices were given stringent deadlines. The Section Chief noted, however, that this level of operations could not normally be sustained.

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[35] This average time does not include applicants who did not have to complete all parts of the process, whose initial polygraph results were inconclusive and required additional investigation, or who were unavailable for an extended period of time during the hiring process.

[36] The four major parts of the hiring process are proficiency testing, polygraph, background investigation, and Security Division security clearance.

[37] The business process engineering firm's study did not include the security clearance adjudication process.

The Section Chief also provided information to us on May 25, 2005, detailing the Foreign Language Program's proposed FY 2005 Language Analyst Hiring Initiative. The information provided listed FY 2005 hiring objectives for the language analyst position and also proposes an accelerated hiring process. According to the information provided, the FBI expects that adoption of the proposal would reduce the average language analyst applicant processing cycle time from an average of 134 days to less than 60 days.

Our follow-up review also found that the FBI continues to process a significant number of applications for each linguist hired, although the ratio has decreased. In FY 2002, for example, the FBI processed an average of 14 applicants for each linguist hired and 13 applicants for each linguist hired in FYs 2003 and 2004. As of March 30, 2005, the ratio for the fiscal year had been reduced to nine applicants for each linguist hired. However, we were cautioned by the LSS official responsible for hiring contract linguists that the ratio for FY 2005 is low because of staffing shortages in the Contract Linguist Unit, which prevents it from screening and processing as many applications as it was able to previously. The official told us that all applicants are still fully vetted. The official said that if the Contract Linguist Unit staff was at full capacity, the ratio would likely be similar to FY 2004.

Table 8: CONTRACT LINGUIST
APPLICANT-PROCESSING STATISTICS[38]

Process Stage	9/11/2001 to End of FY	FY 2002	FY 2003	FY 2004	FY 2005 YTD (As of 3/30/2005)
Applications Screened	15,730	7,272	10,027	6,618	4,131
Applicants Selected for Processing	28	4,333	2,615	2,930	1,224
Failed Proficiency Testing	25	1,496	510	1,299	612
Failed Polygraph Examination	35	238	62	98	47
Discontinued for Suitability Issues	13	142	32	23	9
Denied Access by Security Division	0	26	32	21	5
Hired	0	319	203	226	141
Ratio – Applicants Selected for Processing: Hires	N/A	14:1	13:1	13:1	9:1

Source: FBI Language Services Section

Business Process Engineering Firm Study

In September 2004, the FBI hired a business process engineering firm to examine its linguist-hiring process. Representatives of the firm told the

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[38] The statistics in each column are not exclusive to the timeframe indicated, since some actions may have been in process prior to that timeframe.

OIG that the recommendations they expect to make to the FBI in their final report will include using a web-based applicant communication/management tool; using third-party test centers for unclassified tasks to eliminate field office bottlenecks; increasing speaking proficiency testing efficiencies, such as increasing tester resources and implementing a digital teleconferencing and recording system; and reducing manual procedures in the hiring process.

According to the Acting Unit Chief of the Contract Linguist Unit, the FBI has already taken steps to implement some of these proposals, and the FBI has asked the firm to study additional processes.

QUALITY CONTROL REVIEWS

Our follow-up review found that the FBI had strengthened its policies and guidelines regarding quality control of language translations and in April 2005 implemented a nation-wide tracking system to ensure field offices were performing the required reviews and monitoring results of the reviews. During our follow–up work we asked the FBI to provide documentation about the current status of the quality control program. The FBI provided us with the revised Translation Quality Control Policy and Guidelines that became effective on December 30, 2004.[39] On July 12, 2005, the FBI provided the OIG with the spreadsheets it used to track the first quarterly report from the field offices and the revised spreadsheet it plans to use to track the second quarterly reports.

Quality Control Policy

Our July 2004 audit report stated that the FBI was not meeting its quality control review requirements for newly hired linguists or linguists with more than one year of experience. That policy required all translations from English into the foreign language to be reviewed; all translations from a foreign language into English that would be disseminated to the public as public source material outside the FBI to be reviewed; and all summaries, transcripts, and translations for use in court to be reviewed. We recommended that the procedures be strengthened to ensure that these quality control reviews were performed.

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[39] On May 25, 2005, the FBI presented the OIG with a summary of the results of the first quarterly quality control review completed according to the modified guidelines. Because this date was after the completion of our onsite work, we were unable to verify the statistics the FBI provided.

In response to the OIG recommendation, the LSS modified the Translation Quality Control Policy and Guidelines. These revised guidelines became effective on December 30, 2004. The new policy requires that reviews must be conducted only by certified reviewers.[40] If no certified reviewer is available, the field offices may use designated GS-12 or GS-13 linguists.

Formerly, linguists with more than one year of experience with the FBI were required to undergo an annual review which included one or more of the following depending on the regularly assigned tasks of each linguist:

- verbatim and summaries of documents.

- verbatim and summaries of audio which could have included Title III (criminal) or FISA audio.

- an assessment of the linguist's interpreting ability, if applicable.

Under the FBI's new policy, these requirements are still in effect. However, the new policy also requires two quality control reviews that include randomly selected materials marked as "Not Pertinent" by the linguist being reviewed.[41]

Under the previous policy, linguists with less than one year of experience with the FBI were to have 100 percent of their work reviewed for the first 3 months, followed by random quarterly reviews during the next 9 months and annual reviews thereafter. Under the new policy, after completion of administrative, operational, and equipment/technology training, new linguists will have all of their translations reviewed for only the first 40 hours of work. Random reviews will be conducted during the next 80 hours and must include at least two reviews of materials marked as "Not Pertinent" by the linguist. Thereafter, annual reviews are to be conducted.

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[40] Certified reviewers have received specialized training and have passed an exam to be certified. In addition to using the *Quality Control Work Review Error Notation Key* to annotate anomalies as before, they also are required to adhere to the FBI's standards for translation outlined in the Language Services Section's *Manual of Standards of Translation.* As of the middle of April 2005, the Language Services Section had completed four training sessions and trained approximately 100 certified reviewers.

[41] Material marked as "Not Pertinent" does not require the production of a tech cut. A tech cut is a summary of the pertinent details of a telephone call rather than a verbatim translation.

Other changes in the new policy include:

- requiring that reviews be conducted anonymously whenever possible;

- reviewing each language a linguist translates or interprets for at least 20 percent of their time; or if the linguist occasionally translates material that may impact an investigation or affect a substantive matter, then the linguist will be reviewed in all languages they translate;

- requiring supervisors or Field Office Representatives to give prompt feedback to the linguists, resolving any deficiencies, and tracking and maintaining a record of all reviews; and

- identifying specific actions for supervisors to take when there is a disagreement with results of the quality control reviews.

We believe the policy changes address the concerns raised in our July 2004 audit. However, we could not perform testing to determine if the new guidelines for quality control reviews were being followed because the first quarterly report under the modified quality control policy was not due until April 15, 2005, after we completed our fieldwork for this follow-up review.

Tracking Results of Quality Control Reviews

In our July 2004 audit, we found that the FBI had no nation-wide system to track the results of quality control reviews. We recommended that the FBI implement a system to monitor compliance with the quality control procedures, both at the field office and national levels.

During our follow-up work performed in March 2005, we inquired about the FBI's progress toward developing a nation-wide system to track the results of its quality control reviews. Since the completion of our previous audit work, annual reviews for full-time linguists in the field offices should have been forwarded to the LSS by June 30, 2004; reviews for contract linguists by September 30, 2004, before their annual contracts were renewed on October 1; and reviews for full-time linguists at the Language Services Translation Center by November 30, 2004.

We checked on the status of these reviews and found that, as of March 2005, the LSS had not monitored whether the field offices had performed the required quality control reviews. Even when the field offices had provided appropriate forms documenting completed reviews to the LSS,

these forms had not been entered into a tracking system. However, on July 12, 2005, the FBI provided the OIG with documentation showing that it had initiated a nation-wide tracking system and had used the new system to track the first quarterly report received in April 2005.

In its response to our July 2004 audit, the FBI also stated that two applicants had been selected who would serve as Foreign Language Program Specialists and would track approximately 650 linguists each. The FBI predicted that by the end of calendar year 2004, the Translation and Deployment Unit would be able to monitor and track the field's compliance regarding quality control reviews. However, only one person was assisting the Program Manager of the FBI Linguist Program at the time of our follow-up work in March 2005 and she had only been working in that position since January 24, 2005. She stated that her duties included making sure the field offices are in compliance with filing quarterly reports; keeping track of quality control reviews for new-hires and annual reviews for linguists with over one year of experience; and coordinating the certified reviewer training sessions. But she had not been informed that it was her responsibility to maintain a tracking system for results of the quality control reviews.

On June 7, 2005, the OIG received notification that the FBI had added an Acting Program Manager to the Quality Control Program and had plans to add three more staff members within the month. However, as of July 13, 2005, no additional staff had been added.

The Unit Chief of the new Operations Management Unit responsible for tracking compliance with the quality control policy told us on April 22, 2005, that the LSS had received the first submission of the QC Quarterly Compliance Report Forms required by the new quality control policy and guidelines and was following up with field offices that did not comply with the new requirements. The Unit Chief said that the FBI expected difficulties for the first reporting period, but he planned to follow up with the field offices.

The Acting Program Manager of the Quality Control Program told us that the field offices had been sent more simplified forms and clearer instructions to facilitate the second quarterly quality control report due on July 15, 2005. The OIG received a copy of the new format on July 12, 2005, and agrees that it is much simpler to complete and should alleviate the problems encountered with the first quarterly report. After receiving the second quarterly report, the FBI expects to make further refinements to the tracking system.

During the exit conference for this follow-up review on May 25, 2005, the Unit Chief provided the OIG with a summary of the results of the first quarterly quality control review. However, the supporting documentation

provided to the OIG in July 2005 did not verify the May 2005 statistics and therefore are not included in this report.

In responding to the recommendations in our July 2004 audit, the FBI also stated that in order to adequately monitor its quality control program, it would need to hire additional language analysts to address the compliance requirements for new linguists and the annual reviews of full-time and contract linguists. The Section Chief of the LSS told us that the FBI expects 10 of the 274 language analysts its plans to hire in FY 2006 to be dedicated to quality control reviews. The Section Chief also stated that the additional 10 language analysts should provide enough resources for full implementation of the enhanced quality control program.

According to the Unit Chief of the new Operations Management Unit, regional program managers will guide and monitor field supervisors in adhering to quality control standards and procedures. As noted previously, the Operations Management Unit will develop, implement, and ensure compliance with administrative and operational policies, procedures, and guidelines by Foreign Language Program personnel throughout the FBI.

ALLEGATIONS RAISED BY SIBEL EDMONDS REGARDING FOREIGN LANGUAGE PROGRAM

In a separate matter related to the FBI's translation program, the OIG investigated allegations raised by Sibel Edmonds, a former contract linguist for the FBI, relating to the FBI's linguist program. Those allegations included travel voucher fraud, time and attendance abuse, and allegations of security concerns about actions by a co-worker related to potential espionage. The OIG completed a report in July 2004 regarding its investigation of these allegations, which the Department and the FBI classified at the Secret level. Subsequently, in January 2005 the OIG publicly issued an unclassified report summarizing the findings and recommendations contained in the full report. In Appendix 7 we provide an update on the FBI's response to the recommendations in the OIG's Edmonds report.

CONCLUSION

The success of the FBI's foreign language translation efforts is critical to its national security mission. In our July 2004 audit, the OIG found several important areas in the FBI's foreign language program that needed

improvement. We believe that since issuance of the July 2004 report the FBI has taken significant steps to address many of our recommendations and has made progress in improving the operations of the Foreign Language Program. However, key deficiencies remain, including a continuing amount of unreviewed material, instances where "high priority" material has not been reviewed within 24 hours, and continued challenges in meeting linguist hiring goals and target staffing levels.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

Audit Objectives

The objectives of this audit were to follow up on and evaluate information provided by the Federal Bureau of Investigation (FBI) in response to recommendations made in the July 2004 audit report entitled, "The Federal Bureau of Investigation's Foreign Language Program – Translation of Counterterrorism and Counterintelligence Foreign Language Material" and to assess the progress made by the FBI since that audit.

Scope and Methodology

We performed the follow-up audit in accordance with *Government Auditing Standards* and included such tests of the records and procedures as we deemed necessary to accomplish the follow-up audit objectives.[42] Our follow-up audit focused on the Foreign Language Program's operations since July 2004. We conducted work at the Language Services Section of the FBI. We did not conduct follow-up work in any field offices.

In our follow-up audit, we interviewed officials from the FBI, including the Section Chief and other officials in the Language Services Section; the FBI Deputy Director; the FBI Executive Assistant Director for Intelligence; and Assistant Directors for Counterterrorism and Counterintelligence, among others.

In addition to the interviews, we reviewed documents and records pertaining to the foreign language program since July 2004. These documents and records included workload statistics, workforce planning, and budget information. We also reviewed the FBI's revised Quality Control Policy and Guidelines and a report summarizing the results of the first quarterly review period after the revised policy was implemented.

To achieve the audit objectives, we used computer-processed data contained in the FBI's FISA digital collection systems. The systems contain data regarding FISA audio sessions collected and reviewed by the FBI. We also used the FBI Language Services Section Counterterrorism FISA Monthly

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[42] Appendix 7 provides a summary of a separate investigation conducted by the OIG on allegations regarding the Foreign Language Program. This investigation was not performed in accordance with *Government Auditing Standards*.

Survey data. The FISA Monthly Survey is required to be completed by those field offices with active counterterrorism FISAs. The Language Services Section compiles the statistics submitted by field offices into a summary report. The report provides monthly collection statistics on counterterrorism cases, including audio hours collected, reviewed, and accrued backlog. The Field Workload Survey is a quarterly report, also completed by each field office and compiled into one report by the Language Services Section. This report provides data regarding audio and text hours collected and reviewed.

We assessed the reliability of the data during our previous audit by obtaining information from FBI officials and performing various tests. Based on the results of our previous tests and information regarding the FBI's FISA digital collection system data and Counterterrorism FISA Monthly Survey data, we concluded that the data were sufficiently reliable to achieve our audit objectives.

ACRONYMS

EAD-I	Executive Assistant Director in Charge of the Directorate of Intelligence
EDMS	Electronic Surveillance Data Management System
FBI	Federal Bureau of Investigation
FISA	Foreign Intelligence Surveillance Act
FY	Fiscal Year
GS	General Schedule
LSS	Language Services Section
OIG	Office of the Inspector General
QC	Quality Control
YTD	Year-to-Date

Appendices 3 through 6, pages 33 through 39, contain classified
information and do not appear in this unclassified report.
These appendices are contained in a separate classified document.

UPDATE ON THE OFFICE OF THE INSPECTOR GENERAL'S JULY 2004 REPORT, "A REVIEW OF THE FBI'S ACTIONS IN CONNECTION WITH ALLEGATIONS RAISED BY CONTRACT LINGUIST SIBEL EDMONDS"

In a separate matter related to the FBI's translation program, the OIG investigated allegations raised by Sibel Edmonds, a former contract linguist for the FBI. In July 2004, the OIG completed a 100-page report regarding its investigation, entitled "A Review of the FBI's Actions in Connection With the Allegations Raised by Contract Linguist Sibel Edmonds." The Department of Justice and the FBI classified the review as Secret because it contained national security information. This Secret report was provided to the FBI, the Department of Justice, congressional oversight committees, and the 9/11 Commission. The OIG subsequently created an unclassified 35 page summary of the report that the Department and the FBI agreed was unclassified. The OIG released the unclassified report in January 2005.

Edmonds worked for the FBI from September 20, 2001, until March 2002, when the FBI terminated her services. Before her termination, Edmonds had raised a series of allegations regarding the FBI's linguist program, including security concerns about actions by a co-worker related to potential espionage.

In addition, Edmonds raised other allegations to the OIG regarding the FBI's language program, such as travel voucher fraud and time and attendance abuse. Edmonds also alleged that the FBI had hired unqualified personnel and used one of them to translate military interviews despite that person's weak language skills. Finally, Edmonds complained that her termination was in retaliation for her complaints.

The OIG review concluded that many of Edmonds's core allegations relating to the co-worker had some basis in fact and were supported by either documentary evidence or witnesses other than Edmonds. While the evidence did not prove that the co-worker had disclosed classified information, the OIG concluded that the FBI should have investigated Edmonds's allegations more thoroughly. The allegations, if true, had potentially damaging consequences and warranted a thorough and careful review by the FBI, which did not occur.

We understand that, as a result of the OIG's recommendation, the FBI currently is conducting further investigation into this matter.

With respect to Edmonds's claim that she was terminated from the FBI in retaliation for her complaints, the OIG review concluded that her allegations were at least a contributing factor in the FBI's decision to terminate her services.

With regard to various other allegations made by Edmonds concerning the FBI's foreign language program, our review substantiated some but did not substantiate others. For example, we found that certain travel by linguists was wasteful, and that a contract monitor was hired even though he had not scored high enough on the language test to qualify for the position. However, we did not find sufficient evidence to substantiate Edmonds's allegations that the FBI condoned time and attendance abuse, an intentional slow down of work to support hiring additional analysts, or travel fraud.

The OIG report contained eight recommendations related to the FBI's foreign language translation program. In September 2004, we received the FBI's initial response to the recommendations and, based on that response, closed one recommendation. The other seven recommendations remained "resolved but open" until we receive further information from the FBI. The FBI recently provided further information regarding their action in response to the recommendations, which we summarize below:

- **Written guidelines for risk assessments in background investigations of linguists**. We recommended that the FBI create written guidelines that clearly state the factors to be weighed when deciding whether a risk assessment is necessary in a particular case.

  The FBI agreed that risk assessments are necessary and stated that, in July 2004, it issued a new policy covering this area. The FBI provided a copy of that policy to the OIG, and we agreed that the policy addresses the recommendation raised by the OIG.

- **Written guidelines on reviewing materials**. The contract linguists we interviewed said they received oral training from case agents and other linguists about their work, but they had not received any written guidance regarding review and translation of foreign language materials. We recommended that generalized guidance to linguists regarding reviewing materials would be useful to help ensure that contract linguists have a common understanding of their work requirements when reviewing materials.

  In response to this recommendation, the FBI noted that it had implemented a "New Linguist Training Program." The FBI provided the OIG with copies of the syllabus of the training and the training materials, which reflect that the training addresses the areas of concern raised by the OIG. The FBI also recently stated that its newly-completed manual for linguists addresses the areas of concern raised by to the OIG's report. The OIG has requested a copy of the manual.

- **Assignments of material for review**. The OIG found that the way material was assigned for linguists to review created potential security risks and also contributed to the conflict that arose between the linguists in the Edmonds case. We recommended that the FBI ensure that supervisors determine which material should be reviewed by linguists. In response to this recommendation, the FBI stated that a standard operating procedures manual for linguist supervisors was expected to be finalized by the end of June 2005 and would address this issue. The OIG has requested a copy of the manual when it is completed.

- **Systematic tracking of reviewed materials**. The OIG found that because of resource issues, more than one linguist may be assigned to a particular translation task. Because of the way the FBI's computer system operates, we found the FBI has no method to establish with certainty which linguist reviewed which material. We recommended that the FBI consider implementing a practice to ensure that the FBI has a record of work completed on a particular task and consider creating an audit trail that would record each person who worked on the task.

  In its most recent response, the FBI stated that a new data management system with the capability of retaining detailed audit trails would be implemented beginning in 2006 (the Electronic Surveillance Data Management System or EDMS), although it is anticipated that it will take up to three years to fully deploy the system. The FBI stated that, in the interim, it will adopt the practice described by the OIG through which a record of work completed, including information about who worked on a task, is maintained in an electronic format. The FBI stated that this interim measure will be implemented in all FBI field offices as soon as operating procedures are in place. The OIG has requested that it be informed when field-wide implementation of this interim measure is complete.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

July 21, 2005

Mr. Guy K. Zimmerman
Assistant Inspector General for Audit
U.S. Department of Justice
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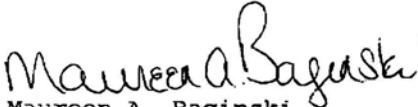Washington, DC 20005

Dear Mr. Zimmerman:

    Re: RESPONSE TO THE OFFICE OF THE INSPECTOR GENERAL'S AUDIT
          OF THE FEDERAL BUREAU OF INVESTIGATION'S FOREIGN
          LANGUAGE TRANSLATION PROGRAM
          FOLLOW-UP AUDIT REPORT

    The Federal Bureau of Investigation has prepared the
appropriate response to your request for comments on your
findings and a sensitivity review. The response (Enclosure 1)
has undergone a classification review and is unclassified. In
addition, the document has undergone a sensitivity review
(Enclosure 2).

    Please contact Leslie Jewell in the Intelligence Program
Communications Unit should you have any questions. Ms. Jewell
may be reached at (202) 324-1599.

                    Sincerely yours,

                    Maureen A. Baginski
                    Executive Assistant Director
                    - Intelligence

Enclosures (2)

FOR OFFICIAL USE ONLY

July 21, 2005

TO: Guy K. Zimmerman
                  Assistant Inspector General for Audit
                  Office of the Inspector General

FROM: Maureen A. Baginski
                  Executive Assistant Director, Intelligence

SUBJECT: Audit Report – The Federal Bureau of Investigation's Foreign Language
                  Translation Program

        The purpose of this memorandum is to respond to the Office of the Inspector General's (OIG) Report: The Federal Bureau of Investigation's Foreign Language Translation Program Follow-Up Audit Report.

        We are gratified by the OIG's finding that "the FBI has taken important steps to address the OIG's recommendations and has made progress in improving the operations of the Foreign Language Program" (p. ii). We also appreciate the positive comments about improvements to our program, to include the finding that "none of the counterterrorism audio backlog as of March 2005 was in the highest level priority cases" (p. v). As we believe the OIG report makes clear, we have made steady progress in implementing the OIG's recommendations. We welcome constructive feedback that can lead to improvements in our ability to serve the nation.

        We offer the following comments on the report.

Backlog and Prioritization

        We are pleased that the report places our backlog in the context of both increased workload and priorities. As the report notes, the increase in the counterterrorism FISA backlog from 4,086 hours as of April 2004 to 8,354 hours as of March 2005 represents 1.5 percent of all counterterrorism audio collected. The counterterrorism workload for FY 2003-2004 increased by 52 percent.

        The sheer volume of information collected requires that we manage language processing to ensure our highest national security priorities are met. That is why a five-tier prioritization system was created by a panel of representatives from the then-Director of Central Intelligence (DCI), the FBI, the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Department of Justice's Office of Intelligence Policy and Review (OIPR) for managing our collection and processing of foreign language FISA material. This system ensures that we

1

Guy K. Zimmerman
Assistant Inspector General for Audit

manage our workload and the enormous volume of material collected against nationally determined priorities. The FBI's internal five-tier priority processing system is directly aligned with that national process.

We are pleased that the OIG notes that: "none of the counterterrorism audio backlog as of March 2005 was in the highest level priority cases" (p. v). We would add that all counterterrorism backlog identified in the monthly surveys is analyzed to determine (1) whether the backlog is an issue of concern (or is empty microphones and white noise), or (2) whether the backlog is due to a lack of linguist resources (as in rare languages). This process has allowed us to determine that 52.8 percent of the 8,354 hours of counterterrorism backlog is likely white noise.

We are concerned with the treatment of unreviewed high priority material within 24 hours. Specifically, the OIG mentioned that the random sampling in April showed that for two "high priority" cases, sample sessions on April 5, 6 and 9 were not reviewed within 24 hours. We believe it is important to note for the record that the material in both cases was fully reviewed with an average turnaround time of 30.53 hours and 37.33 hours, respectively.

Hiring

We appreciate the OIG's acknowledgment of the importance of maintaining a cadre of linguists with "high standards of language proficiency and cultural knowledge" (p. 3). We are not alone in facing a difficult challenge in this area, given that:

- The number of students graduating college with a bachelor's degree in a foreign language discipline has declined over the last 30 years[1].

- In 1971, U.S. institutions of higher learning conferred 21,109 bachelor's degrees in foreign language disciplines. By 2001, the number had fallen to 15,318 – a decrease of 25 percent – and most degrees conferred were in Romance languages[2].

We are concerned that the report fails to distinguish between FBI staffing needs and hiring goals. By "staffing needs," we mean needs that are based on workload volumes and reflect the number and type of linguists required to meet that workload. By "hiring goals," we mean goals that are set only after the funding for personnel is established. The report, under the phrase "hiring goals," includes data which actually reflects "staffing needs," as defined above. It compares our hiring performance against our stated staffing needs, without accounting for the limitations imposed by our funding. We cannot hire more than our funding allows.

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[1] CRS Report for Congress, "Requirements for Linguists in Government Agencies," September 2, 2004.

[2] Ibid.

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Guy K. Zimmerman
Assistant Inspector General for Audit

Conclusion

We are committed to providing quality translation, interpretation, and language analysis services, both within the FBI and to the Intelligence Community. We appreciate the OIG's acknowledgment of our significant progress in improving our Foreign Translation Program, and we recognize that we must continue to grow, evolve, and improve in order to meet our nation's security needs. We will continue the programs and procedures we implemented in response to the OIG's June 2004 recommendations, and we will continue to improve the efficiency and effectiveness of our Foreign Language Program.

3

**OFFICE OF THE INSPECTOR GENERAL'S ANALYSIS OF
THE FBI's RESPONSE**

The FBI's response to the OIG's audit report addresses two main issues: (1) Backlog and Prioritization, and (2) Hiring of Linguists. We briefly discuss each of these issues below.

Backlog and Prioritization

The FBI's response states that it has analyzed the counterterrorism backlog in the monthly FISA surveys identified in our report to determine whether the backlog is of concern or is empty microphones or white noise or other audio that does not require translation. The FBI stated that "52.8 percent of the 8,354 hours of counterterrorism backlog is likely white noise." Because the FBI did not provide this information to us previously, we are not able to audit or verify these numbers. However, even if accurate, this figure suggests that approximately half the counterterrorism backlog, or more than 3,900 hours of counterterrorism collections, consists of counterterrorism material that should be reviewed to determine the intelligence value of the information collected. In our judgment, even these numbers suggest that the FBI must continue its efforts to eliminate this backlog.

Hiring of Linguists

The FBI's response suggested that the report fails to distinguish between the FBI's hiring goals, which are based on the funding that is established for hiring linguists, and the FBI's linguist staffing needs which the FBI determines without accounting for budget limitations.

In fact, the report treats the FBI's staffing needs and hiring goals separately. The subheading under "Hiring Linguists" on page 20 of the report indicates that we are discussing "Goals and Target Staffing Levels." The FBI's success at meeting hiring goals is discussed on pages 20 and 21 of the report and its efforts at meeting target staffing levels is discussed on page 22.

In our July 2004 report, we noted our concern with the FBI's methodology for setting hiring goals and specifically recommended that the FBI base its hiring goals on staffing levels to be achieved (including accounting for attrition and contract linguists who work less than a full week). In response, the FBI established both "hiring objectives" and "target on-board linguist levels" for calendar years (CY) 2005 and CY 2006, and we acknowledged the FBI's establishment of target staffing levels on page 22 of the report.

We agree with the FBI's comment that it cannot hire more linguists than funding allows. However, we also note that the FBI can re-program funds to meet critical contract linguist needs. Our report also presents information on page 14 showing that Foreign Language Program funding has increased significantly, from $21.5 million in FY 2001 to $36.2 million in FY 2005 and on page 15 showing that spending for Language Analyst salaries and benefits has increased from $30.7 million in FY 2001 to $34.8 million in FY 2005.

However, to further clarify in the report the difference between target staffing levels and hiring goals, we modified footnote 6 on page vi and added footnote 28 on page 20 of the report to read: "Target staffing levels refer to staffing needs that are based upon workload volumes and reflect the number and type of linguists required to meet that workload regardless of available funding. Hiring goals refer to goals that are set only after funding for personnel has been established."